The *Oglio* of Traytors:

Including the Illegal Tryall of his late MAIESTY.

With a Catalogue of their names that sat as Judges and consented to the Judgment: With his MAJESTIES Reasons against their usurped power and his late speech.

To which is now added, the severall depositions of the pretended Witnesses, as it is Printed in the *French* Coppy:

With the whole proceedings against Colonel *J. Penruddock* of *Compton* in *Wilts*, and his speech before he dyed.

As also, the speech of that resolved Gentleman, Mr. *Hugh Grove* of *Chissenbury* Esquire, who was beheaded the same day: not before Printed.

London, *Printed by* T. M. *for* William Shears *at the Bible in* Bedford street.

The First Dayes Proceeding of the High Court of Justice, &c.

THe Triall and the Execution of the last King of England, being still as much the wonder at the discourse of Christendome I shall endeavour to represent it to you, with the exactest faithfullnesse that can possibly be desired; and although others have gone before me on the same subject, by the benifit of time, I doubt not but that I shall exceed them, by the advantage of truth.

In the Supream Tribunall of Justice sitting at Whitehall in Westminster, Serjeant Bradshaw being President, and about seventy other persons elected to be his Judges, being present; the Cryer of the Court, having proclaimed his O yes, to invite the people to attention, silence was commanded, and the Ordinance of the Commons in Parliament, in reference to the Examination

of

of the King was tried, and the Court was summoned, all the Members thereof sitting as they were called.

The King came into the Court, his head covered, Serjeant Dendy being remarkable by the Authority of his Mace, did usher him in; Colonel Hatcher, and about thirty Officers and Gentlemen did attend him as his Guard.

The Court being sat the Lord President Bradshaw spake thus unto him.

Charles Stuart King of England, the Commons of England assembled in Parliament, being touched with the sense of the Calamities which have happned to this Nation, and of the innocent blood spilt, of which you are accused to be the Author, have both according to their office, which they owe to God, this Nation and themselves, according to the power & fundamental Trust intrusted with them, by the people, Constituted this Supream Court of Justice, before which you are now brought to hear your Charge, on which this Court will proceed.

Mr. Cook the Solicitor Generall.

In the Name of the Commons of England, and all the people there-

of

of: I do charge Charles Stuart here present, as guilty of Treason, and other great defaults, and in the name of the Commons of England, I require that his charge may be read unto him.

The King. Stay a little.

L. President. Sir the Court hath given order, that the Charge shall be read: If you have any thing afterwards to plead for your self, you may be heard: Hereupon the Charge was read.

THat the said Charles Stuart being admitted King of England, and therein trusted with a limmitted Power, to govern by; and according to the Laws of the Land, and not otherwise: And by his trust, Oath, and Office, being obliged to use the Power committed to him for the good and benefit of the People, and for the preservation of Rights, and Liberties: yet nevertheless out of a wicked Designe, to erect, and uphold in himself an unlimited and Tyrannical power, to rule according to his Will, and to overthrow the

Rights

Rights and liberties of the people; Yea, to take away, and make void the foundations thereof, and all the redress and remedy of misgovernment, which by the fundamental constitutions of this Kingdome, were reserved on the peoples behalfe, in the right and power of frequent and successive Parliaments, or nationall meetings in Councel, he the said Charles Stuart, *for accomplishment of such his designes, and for the protecting of himself and his adherents, in his and their wicked practises, to the same ends, hath traterously and maliciously leavied war against the present Parliament, and the people therein represented.*

Particularly, upon, or about the thirtieth day of June, *in the year of our Lord one thousand six hundred forty and two, at* Beverly, *in the County of* York, *and upon, or about the* 30. *day of* July, *in the year aforesaid, in the County of the City of* York; *and upon, or about the* 24. *day of* August, *in the same year, at the County of the town of* Nottingham (*when and where he set up his Standard of war*) *And also on, or about the twenty*

third

third day of October *in the same year at* Edghill, *and* Kenton field, *in the County of* Warwick; *and upon or aboue the thirtieth day of* November, *in the same year at* Brainchford, *in the County of* Midalesex: *And upon, or about the thirtieth day of* August *in the year of our Lord, One thousand six hundred forty and three, at* Cavesham bridge *neer* Reading, *in the County of* Berks; *and upon, or about the thirtieth day of* October, *in the year last mentioned, at, or neer the City of* Glostor; *and upon, or about the thirtieth day of* November *in the year last mentioned, at* Newbury, *in the County of* Berks; *And upon, or about the one & thirtieth day of* July, *in the year of our Lord one thousand six hundred forty and four, at* Cropredybridge *in the County of* Oxon; *And upon, or about the thirtieth day of* September, *in the year last mentioned, at* Boamin, *and other places near adjacent in the County of* Cornwall *And upon, or about the thirtieth day of* November; *in the year last mentioned, at* Newbery *aforesaid; and upon, or about the eighth day of* June, *in the year of*

our

our Lord one thousand six hundred forty and five, at the Town of Leicester; And also upon the fourteenth day of the same month, in the same year, at Naseby field, in the County of Northampton. At which severall times and places, or most of them, and at many other places in the Land, at severall other times within the year afore mentioned. And in the year of our Lord, One thousand six hundred forty and six; he the said Charles Stuart, hath caused and procured many thousands of the Free-people of the nation to be slain; and by Divisions, parties and insurrections within this land, by invasions from Forraigne parts, endeavoured and procured by him, and by many other evill wayes and meanes. He the said Charles Stuart, hath not onely maintained & carried on the said War, both by land and sea, during the year before mentioned; but also hath renewed, or caused to be renewed, the said war against the Parliament, and good people of this Nation, in this present year. One thousand six hundred fourty and eight, in the Counties of Kent

Essex,

Essex, Surry, Sussex, Middlesex, *and many other Counties and places in* England *and* Wales *and also by sea, and particularly, he the said* Charles Stuart, *hath for that purpose, given Commission to his Son the Prince and others, whereby besides multitudes of other persons, many such as were by the Parliament intrusted and imployed, for the safety of the Nation, being by him and his agents, corrupted, to the betraying of their Trust, and revolting from the Parliament, have had entertainment and commission, for the continuing and renewing of war and hostility, against the said* Parliament *and* people *as aforesaid. By which* cruel and unnaturall wars *by him, the said* Charles Stuart, *levied, continued, and renewed as aforesaid, much* innocent blood of the Free-people of this nation *hath been spilt, many* families *have been* undone, *the* publick treasury wasted and exhausted, trade obstructed, & miserablely decayed; vast expence and damage to the Nation incurred, *and many parts of the land spoiled, some of them even to desolation.*

And

And for further prosecution of his said evill designs he the said Charles Stuart *doth still continue his Commissions to the said* Prince, *and other Rebels and Revolters, both English and Forraigners, and to the Earl of* Ormand, *and to the Irish Rebles and Revolters, associated with him, from whom further invasions upon this Land are threatned, upon the procurment, and on the behalfe of the said* Charles Stuart.

All which wicked designes, wars, and evill practises of him. The said Charles Stuart, *have been and are carried on, for the advancing and upholding of the personall Interest of Will and Power, and pretended* Prerogative *to himself and family, against the publique intrest, Common Right, Liberty, Justice, and peace of the* people of this Nation, *by and for whom he was entrusted, as aforesaid.*

By all which it appeareth, that he the said Charles Stuart, *hath been, and is the occasioner, author, and contriver of the said unnatural, cruel, and bloudy wars, and therein guilty of all the treasons, murthers, rapines, burning, spoils, desolation*

deſolations, damage, and miſchief to this Nation, acted or committed in the ſaid wars, or occaſioned thereby.

And the ſaid John Cook, by proteſtation (ſaveing on the behalf of the people of England, the liberty of exhibiting at any time hereafter, any other Charge againſt him the ſaid Charles Stuart and alſo of the replying to the Anſwers which the ſaid Charles Stuart ſhall make to the premiſes, or any of them, or any other Charge that ſhall be ſo exhibited) doth for the ſaid treaſons & crim's, on the behalf of the ſaid people of England, impeach the ſaid Charles Stuart, as a Tyrant, Traitor, Murtherer, and a publick, & an implacable enemy to the Commonwealth of England: And pray, That the ſaid Charles Stuart King of England, may be put to anſwer all and every the premiſes, that ſuch proceedings, examminations, tryals, ſentence, and Judgement may be there upon had, or ſhall be agreable to Juſtice.

The

The King was often times observed to smile in indignation, during the reading of the Charge especially at the words Tyrant, TRAITOR, MURDERER, and publick enemy to the Common-wealth.

The

The full Proceedings of the High Court of Justice against King Charls I. *In* Westminster Hall, *on* Saturday *the* 20. *of* Ianuary, 1648.

L. President Bradshaw.

SIR, You have now heard the Charge read, containing such matters, as do appear therein; you have observed, that in the Conclusion thereof, It is required of the Court, in the Name of the Commons of *England*, that you answer

to your charge, which the Court doth expect.

The King. *I would be satisfied by what power I am called hither? It is not long since that I was in* the Isle of Wight. *How I came thither, the story is longer than I conceive fitting in this place to declare; But I there entered upon a Treaty with both Houses of Parliament, with as much publick faith, as its possible to be obtained from any people in the World. I there treated with a number of honourable Lords and Gentlemen, and I treated honestly and faithfully with them; I cannot say, but they dealt very ingenuously with me; and we proceeded so far, that the Treaty was even concluded. Now I would understand by what Authority, (I mean lawfull) I am brought hither? There are many unlawfull Authorities in the world, as Thieves and Plunderers in the high-wayes. I would know by what authority I was taken from thence, and carried from place to place, I know not where? When I have understood the lawfulnesse of the Authority, I will make my Answer. In the mean time, remember, that I am*

your King, your lawfull King, and weigh well with your ſelves, what ſins you heap on your own heads, and the anger and judgements of God which you will bring upon this land, I ſay ſeriouſly weigh it before you further do proceed from one ſin to a greater. Therefore declare unto me, by what lawfull Authority I ſit here, and I will not refuſe to Anſwer you. In the mean time I will not betray my truſt. I have a truſt committed to me by God, by an ancient and lawfull ſucceſſion, I will not betray that by anſwering to a new and an unlawfull Authority; wherefore ſatisfie me in this, and you ſhall hear further from me.

L. Preſident Bradſhaw. If you had but pleaſed to obſerve what the Court did ſuggeſt unto you, when you firſt came hither, you had underſtood by what Authority you were brought hither; which Authority doth require of you, in the Name of the People of *England*, by whom you are elected King, that you make anſwer to them.

King. *No Sir, I deny that.*

L. Preſident Bradſhaw. If you do

not acknowledge the Authority of the Court, they ought to proceed againſt you.

King. *I tell them that* England *was never an elective Kingdom, but hereditary, for almoſt theſe two thouſand years. Therefore declare unto me, by what Authority I am brought hither. I labour more for the liberty of my people than any of you, who pretend to be my Judges; and therefore I ſay, declare unto me, by what lawfull Authority I am placed here, and I will anſwer you; otherwiſe I ſhall make no anſwer at all.*

L. Preſident Bradſhaw. Sir, how well you have adminiſtred the power committed to you, is ſufficiently known: The method of your Anſwering is to put Interrogatories to the Court, which doth not become you in this Condition. Twice or thrice it hath been repreſented to you.

King. *There is preſent here a Gentleman, Lieutenant Colonel* Cobbet, *demand of him, if he did not bring me from the Iſle of* Wight *by force: I come not hither to ſubmit my ſelf in this Court,*

Court. I will do as much for the Priviledges of the Houſe of Commons, rightly underſtood, as any other: I ſee not here the Houſe of Lords, which is able to conſtitute a Parliament, and the King ought to be the Super-intendent there. Is this to bring the King to his Parliament? Is this to bring the publick Treaty to an end, by the publick Faith of the world? Either ſhew me your Authority eſtabliſhed by the Scriptures, which are the Word of God, or confirmed by the conſtitutions of the Kingdom, and I will anſwer you.

L. Preſident Bradſhaw. Sir, you have propounded a queſtion, and an anſwer hath been rendred, but if you will not anſwer to what they do propound, the Court will take it into their conſideration, how to proceed againſt you. In the mean time, they who brought you hither, ſhall return you back again. The Court deſireth to be ſatisfied whether this be all the Anſwer that you will give them or not.

King. *I deſire that you would reſolve me and all the world, in this one parti-*

cular. Give me leave to acquaint you, that it is a thing of no ſmall importance which you go about. I am ſworn to keep the peace according to the duty, which I ow to God and to my Land; and I will here perform it to the laſt breath of my Body: you ſhall therefore do well firſt to ſatisfie God, and afterwards the Land, by what Authority you do this. If you do it by an uſurped Authority, you cannot defend it. God who ſitteth in the Heavens, will call you, and all thoſe, who have conferred this power on you, to give him an account of it. Satisfie me in this, and I ſhall anſwer you, for otherwiſe I ſhould betray the Faith committed to me, and the liberties of my people: Wherefore conſider of it, and I ſhall be willing to anſwer you. For I do profeſs, it is as great a ſin to reſiſt a lawfull Authority, as to ſubmit unto a Tyraunicall, or any other unlawfull authority: wherefore reſolve me in this particular, and you ſhall receive my Anſwer.

L. Preſident Bradſhaw. The Court expecteth that you ſhould give them a final Anſwer, and will adiourn untill *Munday* next: If you cannot ſatisfie

tisfie your ſelf; although we tell you our Authority, our Authority will ſatisfie our ſelves; And it is according to the Authority of God and and the Kingdome, and the Peace (of which you ſpeak) ſhall be preſerved in the Adminiſtration of Juſtice, and that is our preſent work.

King. *I give you this for my Anſwer, you have not ſhewn me any lawfull Authority, which may ſatisfie any reaſonable man.*

L. Preſident Bradſhaw. It is only your apprehenſion, we are fully ſatisfied, who are your Judges.

King *It is not my apprehenſion, nor yours which ought to determine this.*

L. Preſident Bradſhaw. The Court hath heard you, and diſpoſed of you accordingly as their diſcretions have thought expedient.

The Court adjourneth to the Painted Chamber, untill Munday at ten of the clock in the morning, and from thence hither.

Something that was ominous, ought not to be paſſed by in ſilence,

when the Charge was read againſt the King, the ſilver head of his ſtaff did fall off, which he much did wonder at, and obſerving no man ſo officious to aſſiſt him, he ſtooping towards the ground did take it up himſelf.

As the King returned, looking on the Court, he ſaid, I fear not thee, *meaning the Sword. As he came down the ſtaires, the people, who were in the Hall, cryed out, ſome of them,* God ſave the King; *but the greater part,* Juſtice, Juſtice.

The

The ſecond dayes proceeding againſt the King, January 22. &c.

THe Cryer having thrice pronounced his *Oyes*, and ſilence commanded, after that the Judges were called, and every one did particulary anſwer to his Name. Silence was again commanded under pain of impriſonment, and the Captain of the Guards was ordered to apprehended any that ſhould endeavour to make a tumult.

At the commanding of the King into the Court, there was a great ſhout and the Court commanded the Captain of the Guards to apprehend and impriſon thoſe, who ſhould make either a noiſe or tumult.

The Court being ſat, the Sollicitor turning to the Preſident, ſaid, May it Pleaſe your Lord-

Lordſhip, my Lord Preſident, In the former Court on Saturday, in the Name of the Commons of England, *I exhibited and offered to this Tribunal the charg of high Treaſons, and other grievous crimes againſt the Priſoner, with which I did charge him In the Name of the People of* England, *and his charge was read, and his Anſwer demanded. My Lord, It pleaſed him at that time t return no anſwer at all, but inſtead of anſwering, he queſtioned the Authority of the High Court: My moſt humble motion to this High Court in the Name of the people of the Kingdome of* England, *is that the priſoner may be compelled to give a poſitive anſwer, either by way of Confeſſion or Negation, which if he ſhal refuſe, that the ſubject of his Charge may be taken for granted, & the Court proceed acording to juſtice.*

L. Preſident. Sir, you may remember that on the laſt convention of this Court, the cauſe was expounded to you, for which you were brought hither, and you heard the charge againſt you read, it being a charge of High Treaſon and other grievous crimes againſt the Kingdom of *England*: you heard likewiſe, that it was required

in

in the Name of the people, that you ſhould anſwer to your charge, that there ſhould be a proceeding thereon, as ſhould be agreable unto Juſtice: you were then pleaſed to move ſome ſcruples concerning the authority of this Court, and you deſired to be ſatisfied in your knowledge, by what authority you were brought hither: you ſeverall times did propound your queſtions, and it was often anſwered to you, that it was by authority of the Commons of *England* aſſembled in Parliament, who did iudge it requiſite to call you to an account, for the great and greivous crimes of which you are accuſed. After that the Court did take into their ſerious conſideration, thoſe things which you objected, and they are fully ſatisfied in their authority; and do conceive it requiſite, that you ſhould admit it; they therefore require that you give a poſitive and a particular Anſwer to the charge exhibited againſt you: they do expect that you ſhould either confeſſe or deny it. If you ſhall deny it, it will be proved in the behalfe of the

the Kingdome, the whole world doth approve of their Authority. So that the Kingdome is satisfied, and you ought thereby to be satisfied your self; you ought not therefore to waste time but to give your positive answer

King. *It is true, that when I was last here I moved that question; and indeed, if if it where onely my busineſſe in particular, I ſhould have ſatisfied my ſelfe with that proteſtation, I then interpoſed againſt the lawfulneſſe of this Court; and that a King cannot be judged by any ſuperiour juriſdiction on earth; but my on intereſts are not only involved in it: but the liberties alſo of the people of* England; *and pretend what you will, I doe indeavor more for their liberties, than any whatſoever. For if Power without laws, can make laws change the Fundamentall laws of the Kingdome, I know not what ſubject in* England *can be ſecure of his life, or of any thing which he doth call his own: Wherefore when I came hither, I expected particular reaſons, that I might underſtand by what law, and what Authority you would proceed againſt me. I ſhould then perceive what moſt eſpecially I have to ſay unto you; for the affirmative is to be proved, which*

ſeldome

ſeldome the Negative is capable of; but becauſe I cannot perſwade you thus, I will give you my Reaſon as briefly as I can

The Reaſons for which in conſcience and duty which I ow, firſt unto God, and afterwards to my people, for the preſervation of their lives, their liberties, and their fortunes: I believe I cannot anſwer untill I am ſatisfied of your legality of it. All proceeding againſt any man whatſoever,——

Preſident. Sir, I muſt interrupt you, which I would not do, but that which you do, agreeth not with the proceeding of any Tribunal of Juſtice, you enter into a controverſie, and diſpute againſt the Authority of this Court, before which you appeare a priſoner, and are accuſed as a great Delinquent, If you will take upon you to controvert the Authority of this Court, we cannot give way unto it; neither will any tribunall of Juſtice admit it; you ought to ſubmit unto the Court, and to give an exact and direct Anſwer, whether you will anſwer to your charge or not, and what is the anſwer that you make.

King. *Sir I know not the formalities*

of

of the law, I know the law and reason; and although I am no professed Lawyer, I know the law as well as any Gentleman in England, *and I am more eager for the Liberties of the people of* England *than you are? and if I should believe any man, without he gives me Reasons what he saith, It would be abused; but I say unto you, that the Reasons which you give is no wayes satisfactory.*

L. President. Sir I must interrupt you, for it cannot be permitted to you in this manner to proceed: you spake of law and reason, it is fit that there should be both law and reason, and they are both against you. Sir the Vote of the Commons of *England* Assembled in Parliament, is the reason of the Kingdome, and they ordained this law according to which you ought to Reign, Sir, It is not lawfull for you dispute against our Authority. This again hath been told you by the Court. Sir, Notice will be taken that you contemn the Court, and this contempt of yours will be recorded.

King. *I know not how a King can be interpre-*

interpreted to be a Delinquent, but by any law that I ever heard, all men, whether Delinquent, or what you will, may lawfully make objections againſt their Profeſſe; this is that which I require, and I again deſire that my Reaſons may be heard. If you deny this, you deny Reaſon.

L. Preſident Sir, you have objected ſomething to the Court; I will declare unto you their opinion. Sir, it is not lawfull for you or any man elſe to diſpute againſt this ſubject; It is Decreed, you ought not to diſpute againſt the juriſdiction of this Tribunall; If you ſhall yet do it, I muſt intimate unto you, that they are above objections They ſet here by Authority of the Commons of *England*; and all your Predeceſſors and you your ſelfe are bound to be accountable to them.

King. *I deny that, ſhew me one example.*

L. Preſident Sir, you ought not to interrupt, but attend whilſt the Court ſpeakes unto you. This ſubject is not to be diſputed by you, neither will the Court permit that you ſhould

object

object against the jurisdiction of it, they have considered of their jurisdiction and do approve it.

King. *Sir, I say that the Commons of* England *were never a Court of judicature, and I would fain know, how they came to be made so now?*

President Sir, it is not permitted to you to proceed in those discourses.

Then the Secretary of the Court did read as followeth

Charles Stuard King of *England* you have been accused in the Name of the people of *England* of High Treason, and other grievous Crimes. The Court hath determined that you shal answer to your charge.

King. *I will answer as soon as ever I shall understand, by what authority you do these things.*

President. If this be all that you will speake: Gentlemen, you who brought the prisonner hither, take him back again.

King. I *demand, that* I *may be permitted to exhibite my* Reasons *why* I *answer not unto the Charge, and give me time to perform this.*

Pre-

President. Sir, it is not for prisoners to demand.

King. *Prisoners Sir! I am no ordinary prisoner.*

President. The Court hath considered of their own jurisdiction, and they have also confirmed their jurisdiction: If you will not answer, we will give order that your Default be recorded.

King. *You have not yet heard my Reasons.*

President. Your Reasons are not to be heard against the Supreme Jurisdiction.

King. *Shew me that jurisdiction in the world, where Reason is not to be heard.*

President. Sir, we shew it you here, the Commons of *England*; and the next time you are brought hither, you shall understand further of the pleasure of the Court, and peradventure their final sentence.

King. *Shew me, where the House of Commons was ever a Court of Judicature of that kind.*

President. Serjeant take away the Prisoner.

King. *Sir, Remember that the King is not suffered to declare his Reasons, for the Libertie and Immunities of his subjects.*

President. Sir That Freedome of speech is not permitted to you, how great a friend you have been to the laws and the Liberites of the people, let *England* and all the world judge!

King. *Sir, by your leave, I have alwayes loved the Liberty, the Immunities, & Laws of the subjects; If I have defended my self by Arms, I have not taken them up against the people, but for them.*

President. You must obey the Decree of the Court, you give no answer to the Charge against you.

King. Well Sir!

And so was he brought to the House of Sir Robert Cotton; *and the Court was adjourned to the Painted Chamber, untill Wednesday following at twelve of the clock at what hour they intended to adjourn again to* Westminster-hal, *where all, whom it doth concern, are commanded to be present.*

The

The third dayes proceedings against the late King at the High Court of Justice, Tuesday *Jan.* 23. 1648.

THe Cryer according to the Custome, having with his *Oyes* commanded silence and attention; the King being sate, Mr. Atturney Genrall turning to the L. President spake in these words,

May it please your Lordship: This is now the third time that by the great grace and favour of this High Court the Prisoner hath been brought to the Bar, and yet by reason of his refusall to put in his Answer, there is yet no issue joyned in the cause. My Lord, I did at the first exhibit a Charge against him, containing the highest practices of Treason, that were ever wrought on the Theater of *England*. That a King of *England* trusted to keep the Lawes of *England*, and who had taken an Oath so to do, & had tribute paid him for that end,

ſhould be guilty of ſo wicked a deſign as to ſubvert our Laws, and introduce an arbitrary and tyrannical Government, and ſet up his ſtandard of warre againſt his Parliament and his people, and I did humbly pray in the behalf of the people of *England*, that he might ſpeedily be required to make an anſwer to his charge.

But my Lord, inſtead of making an anſwer, he did then diſpute the Authority of this Tribunal, and your Lordſhip being pleaſed to give him a further day to put in his anſwer, which was yeſterday, I did move againe that he might be required to put in a direct and poſitive anſwer to his charge, either by denying or confeſſing it; but he was then pleaſed to debate the Juriſdiction of the Court, although he was commanded to give a poſitive anſwer.

My Lord, by reaſon of this great delay of Juſtice, I ſhall humbly move for ſpeedy judgement againſt him, I may preſſe your Lordſhip upon the known Rules of the Laws of the Land, that if a priſoner ſtand in contempt

and not plead guilty or not guilty to the charge given against him, is, by an implicite confession, ought to be taken *pro confesso*, as I may instance in divers who have deserved more favor then the prisoner at the Bar hath done But I shall presse upon the whole fact. The House of Commons, the Supream Authority of the Kingdome, have declared, (my Lord) that it is notorious. The matter of the charge is true, and clear as chrystall, or as the Sun that shineth at Noon day, in which my Lord President, if your Lordship and the Court be not satisfied, I have several witnesses on the behalf of the people of *England* to produce, and therefore I do humbly pray, and not so much I, as the innocent blood that hath been shed, the cry whereof is great for Justice and Judgement, that speedy Judgement may be pronounced against the prisoner at the Bar.

President. Sir, you have heard what hath been moved by Mr. *Solicitor* on the behalfe of the Kingdom against you. Sir, you may well remember, and if you do not, the

Court cannot forget the delayes which you have made. You have been pleased to propound some Questions, and amply you have had your resolution on them, you have been often told that the Court did affirm their own jurisdiction; & that it was not for you nor any other man to dispute the Jurisdiction of the highest Authority of *England*, from which there is no appeal, and touching which there must be no dispute; yet you did deport your self in that manner, that you gave no obedience, nor did acknowledge any Authority either in them or the Supream Court of Parliament that constituted this high Court of Justice. Sir, the Court gives you to understand that they are very sensible of these demurres, and that being thus authorised by the High Court of *England*, they ought not to be trifled withall, especially, seeing if they please, they may take advantage of these delayes, and according to the rules of Justice, proceed and pronounce Judgement against you: Nevertheless they are so favourable as

to

to give direction to me, and therefore on their behalfe I do require you to make a positive answer to this charge, that hath been read against you. Justice knows no respect of persons. You are to give your positive and finall Answer in plain English, whether guilty or not guilty, of the Treason laid to your charge.

The King having meditated a little did answer in these words. *When I was here yesterday, I desired to speak for the Liberties of the people of* England, *I desire yet to know, whether without interruption, I may speak freely or not.*

President. Sir, on the like Question you had yesterday the resolution of this Court; you were told that having a charge of so high a nature against you, your work was to acknowledge the Jurisdiction of the Court, and to answer the charge; after you have done that, you shall be heard at large to make what defence you can for your self; but Sir, the Court commands me to make known unto you that you are not permited to run into any other discourses, untill such time

that you have returned a positive Answer to the matter that is charged upon you.

King. I value not the charge a rush: It is the Liberty of the people of England that I stand for. For me who am your King, and should be an example to all the Courts in England to uphold Justice, and maintain the old Laws; for me I say to acknowledge a new Court, that I never heard of before, is a thing that I know not how to do. You did speak very well on the first day I came hither, concerning the obligations that I have laid upon me by God, for the maintenance of the Liberties of my people. I do acknowledge that I do on the same obligations to God and my people, to defend as much as in me lies, the ancient Laws of the Kingdome: therefore untill I be satisfied that it is not against the fundamental Laws of the Kingdome, I can put in no particulars to the Charge. If you will give me time, I will shew you my Reasons wherefore I cannot do it; and Here being interrupted, he said. By your favour you ought not to interrupt me. How I came here I do not know. There is no law to make your King your prisoner, I was in a

Treaty

Treaty upon the publick faith of the Kingdome, that was the known ---------two Houses of Parliament, that was the Representative of the Kingdome: and when I had almost made an end of the Treatie; I was hurried away, and brought thither; and therefore I would---

President. Sir, you must know the pleasure of the Court.

King, *By your favour Sir,---*

President Nay Sir, by your favour you may not be permitted to run into these discourses, you appear here as a Delinquent, you have not acknowledged the Authority of the Court, the Court once more doth command you to give your positive Answer?

M. *Broughton* Do your Duty.

King *Duty Sir.*

M. Broughton *reads*, Charls Stuart, *King of* England, *you are accused in the behalfe of the Commons of* England *of divers high Crimes and Treasons, which Charge hath been read unto you; The Court now requires you to give your positive and finall answer either by way of confession or by denialll of the Charge.*

King. Sir, I say again unto you, If

thereby

thereby I may give satisfaction to the people of England *of the uprightnes of my proceedings, not by way of answer, but to satisfie them that I have done nothing against that trust, that hath been committed to me: I would do it; but to acknowledge a new Court, against their priviledges, to alter the Fundamentall Laws of the Kingdome, you must excuse me, if I shall refuse to do it.*

President Sir, This is the third time, that you have publiquely disowned this Court, and put an affront upon it. How far you have preserved the priviledges of the People, your actions have spoke: And truly Sir, If mens intentions can be known by their actions, you have written your intentions in bloody Characters throughout the whole Kingdome: But Sir, you are to understand the pleasure of the Court —— Clerk Record the default ——. And Gentlemen, you that are a guard to the prisoner, take him back again.

King. I *will onely adde this one word, If it were onely my own particular, I would*

not

not ſay any more, nor interrupt you at all.

Preſident. Sir, you have heard the pleaſure of the Court, and notwithſtanding you will not underſtand it, you are to finde that you are before a Court of Juſtice

The King going forth, Proclamation was made, that all perſons, who then appeared; and had further to doe with the Court, might depart into the Painted Chamber, to which place the Court adjourned, being reſolved to meet again in *Weſtminſter-hall* by ten of the Clock the next morning.

Wednesday *January* 24.

The Court being this day imployed upon Examinations of witneſſes, and other things, in order to their next proceedings, did appoint one of their Uſhers to give notice to the people there aſſembled to appear on further ſummons.

The

The last proceedings against the King, wherein they pronounc'd Sentence upon him, on Saturday January 27. 1648.

SIlence being commanded by the Crier, the Court was called, and Serjeant *Bradshaw* the Lord President, was that day in a scarlet Gown. There were present that day, sixty and eight Members of the Court.

The King turning to the Lord President said; I shall desire to be heard some few words, and I shall give no occasion of interruption.

President. You may answer in due time, heare the Court first.

King. *If it please you Sir, I desire to be heard; and I shall not give any occasion of interruption, and it is only in a word. A sudden*

sudden Judgement ——————

President. Sir you shall be heard (as I have told you) in due time, but you must hear the Court first.

King. *Sir, What I am to speake will be in order, as I conceive, to what I believe the Court will say, and therefore Sir, I desire to be heard, A hasty judgement is not so soon recalled.*

President. Sir, you shall be heard before judgement be given, and in the mean time, you ought to forbear.

King. *Well Sir I shall be heard before the judgement be given.*

President. Gentlemen, it is well known to all or the greatest part of you here present, that the prisoner at the Bar hath been several times convented, and brought before this Court, to make answer to a charge of Treason, and other high Crimes, exhibited against him in the Name of the people of *England*, to which charge being oftentimes commanded to answer, he hath been so far from submitting to the Court, as he hath undertooke to object against, & dispute

the

the Authority of this Court, & of the High Court of Parliament, who conſtituted this Court to try and judge him; but being over-ruled in that, and commanded to make anſwer; he was ſtill pleaſed to perſevere in his contumacie, and refuſed to ſubmit to anſwer; whereupon the Court, that they may not be wanting to themſelves, and to the truſt repoſed in them; nor that any mans wilfulneſs ſhall prevent the courſe of Juſtice; have conſidered of the contempt, and of that conſequence which in Law doth ariſe on that contempt. They have likewiſe conſidered of the notoriouſneſs of the Fact charged upon the priſoner, and upon the whole matter are reſolved, and have agreed upon a Sentence to be now pronounced againſt him, but in regard he hath deſired to be heard before Sentence be read and pronounced, the Court is reſolved to heare him: yet Sir, thus much I muſt tell you before hand, of which alſo you have been minded at the other Courts, that if what you are to propoſe ſhall tend to diſ-

pute

pute the Jurisdiction of the Court, you are not to be heard therein: you have offerd it formerly, and you have indeed ſtruck at the root, which is the power and *Supream* Authority of the *Commons* of *England*, of which this Court will admit no debate; and indeed it would be an unreaſonable thing in them ſo to do, being a Court which doth act upon that Authority which they have received from them; they will not preſume to judge upon their *Superiours*, from whom there is no appeal. But Sir, If you have any thing to ſay in defence of your ſelfe, concerning the matter with which you are charged; the Court hath given me command to let you know, they will hear you.

King. *Since I perceive, you will not hear any thing of Debate concerning that which I confeſs I thought moſt material for the peace of the Kingdom, and the Liberty of the Subject; I ſhall wave it, and ſpeake nothing of it, only I muſt tell you, that theſe many daies all things have been taken from me, but that I call more dear unto me than my life, which is my conſcience and my Honour;*

and

and if I had respect to my life more than to the peace of the Kingdom, and the Liberty of the Subject; I should certainly have made a particular defence for my self, for by that at least I might have deferred an ugly sentence which I expect to pass upon me. Therefore undoubtedly, Sir, as a man that hath some understanding, some knoweledge of the world if that my true zeal to my Countrey, had not over-born the care of my own preservation, I should have gone another way to work than now I have done. Now Sir, I conceive that a hasty sentence once passed may sooner be repented then revocked, and truly the same fervent desire I have for the peace of the Kingdom, & the Liberty of the Subject, more than my own particulars, doth make me now at last move that, having something to say concerning both, I may be heard before my Sentence be pronounced, before the Lords and Commons in the Painted Chamber. This delay cannot be prejudicial to you whatsoever I shall utter. If I speake not reason those that heare me must be my Judges, but if it be Reason, and really for the welfare of the Kingdome, and the Liberties of the subject, I am sure of it, it will be well worth the hearing. Therefore

I

I conjure you as you love that which you pretend (I hope it is real) the Libertie of the Subject, and the peace of the Kingdom, that you will grant me the hearing before ſentence be paſt. I onely deſire this, that you will take this into your conſideration. It may be you have not heard of it before hand, if you thinke well of it; I will retire, and you may thinke of it; but if I cannot get this Libertie; I do here proteſt, that ſo fair ſhews of Libertie and peace are but pure ſhews and no otherwiſe, if in this you will not hear your King?

Preſident. Sir, you have now ſpoken.

King. *Yes, Sir.*

Preſident. And this which you have ſpoken, is but a further declining of the Juriſdiction of this Court, which is the thing wherein you were limited before.

King. *Pray excuſe me, Sir, for my interruption, becauſe you do miſtake me. It is not a declining of it, you do judge me before you heare me ſpeake; I ſay I will not, I do not decline it; although I cannot acknowledge the Juriſdiction of it in this; give me leave to ſay, that though*

I would not, though I did not acknowledge it in this; yet I proteſt, this is not to decline it, ſince I ſay, If that which I ſhall propound be not for the peace of the Kingdome, and the Liberty of the ſubject, then the ſhame is mine: Now I deſire that you will take this into your conſideration; if you will, I will withdraw.

Preſident. Sir; This is not altogether new, that you have offered unto us, I ſay, it is not altogether new unto us, although it be the firſt time that in perſon you have offered it to the Court. Sir, you ſay you do not decline the Jurisdiction of the Court.

King. *Not in this that I have ſaid.*

Preſident. I underſtand you well enough Sir, Nevertheleſs that which you have propounded ſeems to be contrary to that which you have ſaid, for the Court are ready to proceed to ſentence: It is not (as you ſay) that they will not hear their King: For they have been ready to hear you, they have patiently waited your pleaſure for three Court daies together, to hear what you would anſwer to the peoples charge againſt you, to which

which you have not vouchſafed to give any anſwer at all. Sir, this doth tend to a further delay, and truly Sir, *S*uch delays as theſe, neither may the Kingdom nor Juſtice admit: You have had the advantage of three ſeveral dayes to have offered in this kind, what you were pleaſed to have propounded to the *L*ords and Commons. This Court is founded upon the Authority of the Commons of *England*, in whom reſteth the Supream Juriſdiction: That which you now tender to the Court, is to be tried by another Juriſdiction, a co-ordinate Juriſdiction, I know very well, how you have expreſſed your ſelf, and that notwithſtanding, what you would propound to the *L*ords and Commons, yet nevertheleſs, you would proceed on here; I did hear you ſay ſo, but *S*ir, That which you would offer there, whatſoever it be, muſt needs be in delay of Juſtice here, ſo as if this Court be reſolved and prepared for the ſentence, they are bound in Juſtice not to grant that which you ſo much deſire; but, *S*ir,

according to your desire, and becaus[e] you shall know the full pleasure o[f] the Court upon that, which yo[u] have moved, the Court shall withdra[w] for a time.

King *Shall I withdraw?*

President. Sir, you shall know th[e] the pleasure of the Court presen[t]ly.

The Court withdraws for half an hou[r] into the Court of Wards, Serjeant at Ar[ms] the Court gives you command that the pri[-] soner withdraw, and that about half a[n] hour hence the prisoner be returned again.

The time being expired, the Court re[-] turned, and the Lord President *com[-] manded the Serjeant at Arms to send fo[r] his prisoner*

The King being come attended with his Guard, The Lord *Presiden[t]* said unto him, Sir, you were pleased to make a motion here to the Court concerning the desire you had to propound something to the Lords and Commons in the Painted Chamber for the peace of the Kingdom[s] Sir, you did in effect receive an An[-] swer before the Court adjourned

Truely

Truely Sir, their adiournment and withdrawing was *pro formâ tantum*, for it did not seem to them, that there was any difficulty in the thing; they have considered of what you moved, and have considered of their own Authority, which is grounded, as it hath been often said, upon the Supream Authority of the Commons of *England*, Assembled in Parliament. The Court doth act according to their Commission. Sir, I have received an expres Order from the Court, to acquaint you, that they have been too much delayed by you already, and that this which you have now offered, hath occasioned some little further delay; they are Judges appointed by the highest Judges, and Judges are no more to delay than they are to deny Justice; they are good words in the old Charter of *England*, *Nulli negabimus*, *nulli vendemus*, *nulli deferremus justitiam*; There must be no delay, but Sir, the Truth is, and so every man here observes it, that you have much delayed them by your contempt and default; for

which long ſince they might have proceeded to judgement againſt you; therefore notwithſtanding, what you have offered, they are reſolved to proceed to puniſhment and to judgement; and this is their unanimous reſolution.

King. *Sir, I ſee it is in vain for me to diſpute, I am no Sceptick to doubt, or to deny the power that you have: I do know that you have power enough.* Sir, *I confeſs, I do believe it would have been advantagious to the peace of the Kingdom, if you would have been pleaſed to take the pains to ſhew the lawfulneſs of your power. As for this delay, which I have deſired, I do confeſſe it is a delay, but it is a delay that is important for the peace of the Kingdom: It is not my perſon that I look on alone; It is the welfare of the Kingdom, the peace of the Kingdome. It is an old ſaying, that we ſhould think on long, but perform great matters ſuddenly. Therefore,* Sir, *I do ſay again, I do put at your doors, all the inconveniences of a haſty ſentence. I have been here now a full week, this day eight dayes, was the day in which I made in this place, my firſt appearance; The ſhort reſpite but*

of

of a day, or two longer, may give peace unto the Nation; whereas an haſty judgement may bring ſuch a perpetual trouble and inconvenience upon it, that is, the Child unborn may repent it. And therefore once more out of the duty I owe to God, and to my Country, I do deſire that I may be heard by the Lords and Commons in the painted Chamber, or any other place that you will appoint me.

Preſident. Sir, you have been already anſwered to what you have moved, it being the ſame motion which you made before, for which you have had the reſolution and the judgement of the Court in it; and the Court would now be ſatisfied from you, whether you have any more to ſay for your ſelfe then you have yet ſaid, before they proceed to ſentence.

King. *I ſay this, Sir, that if you will but hear me, and give me this delay, I doubt not, but I ſhall give ſome ſatisfaction to all that are preſent, and to my people that are abſent; and therefore I require you, as you will anſwer it at the dreadfull day of Judgement, that you will once again take it into your conſideration.*

Preſident

President. Sir, I have received instructions from the Court.

King. *Well Sir,*

President. If this must be reinforced, or any thing of this nature, your answer must be the same, as it was before, and they will proceed to sentence, if you have no more to say?

King. *Sir, I have nothing more to say, onely I desire that this may be entred what I have said.*

President. The Court Sir, then hath something else to say to you, which although I know will be very unwelcom; yet notwithstanding, they are resolved to discharge their duty.

Sir, you have spoken very well of a precious thing, that you call a peace; and it were much to be wished, that God had put it into your heart, that you had as effectually endeavoured, and studied the peace of the Kingdome, as in words you seem to pretend; but as the other day, it was represented to you, that actions must expound intentions: Your actions have been clean contrary, and truly, Sir, it doth appear very plainly to the

the Court, that you have gone upon very erroneous principles. This Kingdom hath felt it to their ſmart, and it will be no comfort to you, to think of it; for *Sir*, you have been heard to let fall ſuch language, as if you had not been ſubject to the *Law*, or that the *Law* had not been your *Superiour*. The Court is very ſenſible of it, I hope, ſo are all the underſtanding people of *England*, That the *Law* is your *Superiour*: you ought to have ruled according to the law, you ought to have done ſo, and your pretence hath been, that you have done ſo: But *Sir*, the queſtion is who ſhall be the expoſitors of the Law, whether you and your party out of the Courts of Juſtice ſhall take upon you to expound the Law? Or whether the Courts of Juſtice, ſhall be the expounders themſelves? Nay, this *Sovereign* and high Court of Juſtice, the Parliament of *England*, who may well be obliged to be the higheſt expounders of the Law, ſince they are the *Sole* makers of it: *Sir*, for you to ſet your ſelfe with your ſingle

ſingle judgement, or for thoſe who adhere unto you, to ſet themſelves againſt the higheſt Court of Juſtice, there is no Law for it. Sir, as the Law is your ſuperior, ſo truly, there is ſomething that is Superiour to the Law, which is the Parent, or Author of the Law, and that is the people of *England*: For as they are thoſe who at firſt (as other Countries have done) did chuſe unto themſelves this form of Government, that Juſtice might be adminiſtred and the peace preſerved: ſo they gave Laws unto their Governors, according to which they were to govern; and if thoſe Laws ſhould have proved inconvenient, or prejudicial to the publick, they had power in them reſerved to themſelves to alter, as they ſhould finde cauſe.

It is very true, what ſome of your ſide have alleadged; *Rex non habet parem in regno* This Court will affirm the ſame in ſome ſenſe, that whileſt King, you have not your Peer; for you are *major ſingulis*, but they will aver again, that you are *minor univerſis*

ſis; and the ſame Author tels you, that *in exhibitione juris*, you have no power, but they are *quaſi minimus*.

This we know to be Law, *Rex habet ſuperiorem Deum & legem, etiam & Curiam*, and ſo ſayes the ſame Author; and he makes bold to proceed further *Debent ei frænum ponere*, they ought to bridle him. We know very well the ſtories of old: we cannot be ignorant of thoſe Wars that were called the Barons Wars, when the Noblity of the Land did ſtand out for the Liberty and the property of the Subject, and would not ſuffer the Kings that did invade their Liberties to play the Tryants, but did call them to an account for it, and did *frænum ponere* But Sir, If the Nobility of the Land do forbear to do their duty now, and are not ſo mindfull of their own Honour and the Kingdomes good, as the Barons of *England* of old have been; certainly, the Commons of *England* will not be unmindefull of what is requiſite for their preſervation and their ſafety. *Juſtitiæ fruendi cauſa Reges conſtituti ſunt.* By this we learn

learn, that the end of having Kings, or Governours, is for their enjoying of Juſtice, that is the end. Now Sir, If the King will go contrary to that end, or if any Governour will go contrary to the end of his government, he muſt underſtand, that he is but an Officer in truſt, and that he ought to diſcharge that truſt, and order is to be taken for the animadverſion and puniſhment of ſuch an offending Governour.

Sir, This is not a Law of yeſterday (ſince the time of the diviſion betwixt you and the Parliament) but it is a Law of old; And we know very well both the Authors and the Authorities that acquaint us what the Law was in that point, on the election of Kings, when they took their Oath to be true unto the people; and if they did not obſerve it, there were thoſe remedies inſtituted which are called Parliaments. The Parliaments were they that were to adjudge (the very words of the Authors) the plainneſs and wrongs done by the King and Queen, or by their Children; ſuch wrongs e-

eſpecially, when the people could have no where elſe a remedy. *Sir*, this is the *Caſe* of the people of *England*, they could not have their remedy elſe where but in Parliament.

Sir, Parliaments were inſtituted for that intent, it was their main end, that the grievances of the people might be redreſſed, and truly, if the *Kings* of *England* had been rightly mindefull of themſelves, they were never more in Majeſtie or *State*, than in the time of the Parliament: but how forgetfull ſome have been, Hiſtories have informed us; and we our ſelves have a miſerable, a lamentable, and a ſad experence of it.

Sir, by the old Laws of *England* (I ſpeake theſe things the rather to you, becauſe you were pleaſed to affirme the other day, that you had as much knowledge in the Law as moſt Gentlemen of *England*. It is very well *Sir*, and truly *Sir*, it is very fit for the Gentlemen of *England* to underſtand the Laws under which they muſt live, and by which they muſt be governed; And then *Sir*, the Scripture ſayes, they that know their Ma-

Masters will and do it not; you know what follows, the Law is your Master, the acts of Parliament)the Parliaments were anciently to be kept twice in the year, as we find in our old Author, that the Subject upon any occasion might have a remedie and a redress for his grievance. Afterwards by severall Acts of Parliament in the dayes of your predecessor *Edward* the third; they were to be but once a year. What the Intermission of Parliaments in your times hath produced, is very well known, and the sad consequences of it; as also what in the interim instead of Parliaments, there hath been by you, by a high and arbitrary hand introduced upon the people. But when God by his Providence had so far brought it about, that you could no longer decline the calling of a *Parliament*, a *Parliament* was called; where it may appear, what your ends were against your ancient and Native Kingdom of *Scotl* but this Parliament of *Engl* not serving your turn against them, you were pleased to dissolve

it

it. Not long after, another great neceſſitie occaſioned the calling of this Parliament, and what your deſignes and indeavours all along have been for the cruſhing and confounding of it, hath been moſt notorious to the whole Kingdom. And truly Sir, in that you did ſtrike at all, it had been a ſure way to have brought about that which this *Charge* doth lay upon you; your intention to ſubvert the fundemental Laws of the Land, for the great Bulwarks of the peoples Liberty, is the *Parliament* of *England*, and to ſubvert and root up that, which your aim hath been to do, would certainly at one blow, have confounded the Liberties and the properties of *England*.

Truly Sir, It makes me call to minde (I cannot forbeare to expreſs it) for Sir, we muſt deal plainly with you according to the merits of your Cauſe, for ſo is our commiſſion, It makes me, I ſay, to call to minde, what I have read of a great *Romane* Emperor, a great *Roman* tyrant, may I call him, *Caligula* by name, who wiſhed

that the people of *Rome* had but one Neck, that at one blow he might cut it off: Your proceedings have been something like to this, the people of *England* have been & are no where else to be represented but in Parliament; and could you have but confounded that, you had at one blow cut off the neck of *England* But God hath reserved better things for us, and hath been pleased to breake your Forces and to overthrow your designes, and to bring your person in to custody, that you might be answerable unto Justice.

Sir, we know very well that it is a question which hath been much pressed by your side, *By what Presidents we shall proceed*, Truly Sir, for Presidents, I shall not at this present make any long discourse on that subject; howsoever, I shall acquaint them, that it is no new thing to cite Presidents almost out of all Nations, where the people (when power hath been in their hands) have not sticked to call their Kings to an account, and where a change

of

of Government hath ensued upon the occasion of the Tyranny and misgovernment of those that have been placed over the people. I will not waste time to mention *France*, or *Spain*, or the Empire of *Germany*, or any other Countrey; Volumnes may be written of it: But truely Sir, that President of the Kingdom of *Arragon* hath by some of us been thought upon. The Justice of *Arragon*, is as a man *tanquam in medio positus*, it is placed between the people of that Countrey and the King of *Spain*; so that if wrong be done by the King of *Arragon*, the Justice of *Arragon* hath power to reform that wrong, and he is acknowledged the Kings Superiour; and bring the grand prisoner of the Priviledges, and liberties of the people; he hath prosecuted against the Kings for their misgovernment.

Sir, What the Tribunes were heretofore to *Rome*, and what the *Ephori* were to the State of *Lacedemon*, we sufficiently know; they

were as the Parliament of *England* to the *Engliſh* State: and though *Rome* ſeemed to have loſt her Liberty when once the Emperours were conſtituted; yet you ſhall find ſome exemplary Acts of Juſtice even done by the Senate of *Rome*, on the great Tyrant of his time, *Nero*, who was by them condemned and adjudged unto death. But why Sir, ſhould I make mention of theſe Forreign Hiſtories and Examples unto you. If we ſhall look but over the *Tweed*, we ſhall finde Examples enough in your Native Kingdom of *Scotland*. If we look on your firſt King *Forguſius*, he was an elective King, he died and left two ſons, both in their minority: The elder brother afterwards giving ſmall hopes to the people, that he would govern them well; for becauſe he endeavoured to have ſupplanted his Uncle, who was choſen by the people to govern them in his minority; he was rejected by the people for it, and the younger brother was choſen, &c.

Sir,

Sir, I will not take upon me to expreſs what your Hiſtories do at large declare; you know very well that you are the hundred and nineth King of *Scotland*; to mention all the Kings, which the people of that Kingdome, according to their power and Priviledge, have made bold to deal withall, either to baniſh, impriſon, or put to death, would be too long a ſtory for this time and place. *Reges* (ſay your own Authors) we created Kings, at firſt, *Leges*, *&c.* we impoſed Laws upon them, and as they were choſen by the ſuffrages of the people at the firſt, ſo upon the ſame occaſion, by the ſame ſuffrages they may be taken down again; and of this, I may be bold to ſay, that no Kingdom in the World, hath yielded a more plentifull experience, than your Native Kingdom of *Scotland*, on the depoſition and the puniſhment of their tranſgreſſing Kings.

I need not go far for an Example, your Grand-mother was

set aside, and your Father an Infant Crown'd. This State hath done the like in *England*. The Parliament and people of *England*, have made bold to call their King to an account therein, frequent Examples of it in the *Saxons* time, the time before the Conquest, and since the Conquest, there have not wanted some Presidents: King *Edward* the second, King *Richard* the second, were so dealt with by the Parliament, and were both deposed, and deprived, and truly Sir, whosoever shall look into their stories, shall not finde the Articles that are charged upon them to come near to the height, and the Capitalnesse of the crimes, that are laid to your charge, nothing neer.

Sir, you were pleased the other day to alledge your descent, and I did not contradict it, but take all together; if you go higher than the Conquest, you shall find that for almost a thousand years these things have been, and if you come down

down ſince the Conqueſt, you are the four and twentieth King from *William* called the Conquerour, and you ſhall find one half of them to come meerly from the State, and not meerly upon the point of Deſcent. This were eaſie to be inſtanced. The time muſt not be loſt that way. I ſhall only repreſent what a grave and learned Judge ſaid in his time, who was well known unto you, the words are ſince printed for poſterity: That although there were ſuch a thing as a Deſcent many times, yet the Kings of *England* ever held the greateſt aſſurance of their Titles, when it was declared by Parliament. And Sir, your Oath, and the manner of your Coronation, doth plainly ſhew, that the Kings of *England*, although it's true by the Law, the next perſon in bloud is deſigned, yet if there were a juſt cauſe to refuſe him, the people of *England* might do it. For there is a Contract and a bargain made betwixt the King and

his people, and your Oath is taken, and certainly *Sir*, the Bond is reciprocall, for as you are Leige Lord, ſo are they Leige *Subjects*, and we know very well that *Legantis eſt duplex*, the one is a Bond of perfection, that is due from the *Soveraign*, the other is a *Bond* of *Subjection* which is due from the *Subject*, for if this Bond be once broken, farewell Soveraignty, *ubjectio trahit*, &c.

Theſe things may not be denyed, for I ſpeak it the rather (and I pray God it may work upon your heart) that you may be ſenſible of your miſcarriages, for whether you have been as you ought to be, a Protector of *England*, or a deſtroyer of *England*, let all *England* judge, or all the world that hath beheld it; and though *Sir*, you have it by inheritance, in the way that is ſpoken of, yet it cannot be denyed, but your Office is an Office of Truſt, and indeed an Office of the higheſt Truſt that can be lodged in any ſingle perſon. For as you were the grand Adminiſtra-

tor

tor of Juſtice, and others were but as your Delegates, to ſee it executed through your Dominions. If your great Office were to do Juſtice, and preſerve your people from wrong, if inſtead of executing Juſtice, you will be the grand and publick diſturber of the peace, ſurely this is contrary to your Office and your Truſt. Now Sir, if it be an Office of Inheritance (as you ſpeak of your Title by deſcent) let all men underſtand, that great Offices are ſeizable, and forfeitable, as if you had it but for a year, or for your life. It will therefore much concern you to take into your ſerious conſideration, your great miſcarriages in this nature.

Truly Sir, I ſhall not in this place undertake to give you the particulars of the many miſcarriages of your Reign, whatſoever they have been, they are notoriouſly known. It had been happy for the Kingdome, and for your ſelf alſo, if they had not been ſo

much known, and ſo much felt, as they are every where complained on, and reported.

Sir, that we are now upon by the command of the higheſt Court, hath been and is to bring you to your Triall, and to judge you for theſe great offences of yours: Sir, the Charge hath called you Tyrant, a Traytor, a Murtherer, and a publike Enemy to the Commonwealth. Sir, it had been well, if theſe terms might rightly and juſtly have been omitted; nay, if any one of them all.

King, *Ha!*

Preſident, Truly, we have been told, *Rex eſt, qui bene regit, Tyrannus qui populum opprimit*, and if that be the definition of a Tyrant, then ſee if you come ſhort of it in your Actions, and whether not the higheſt Tyrant by that way of arbitrary Government, which you ſought to introdnce, and were putting upon the people. Examine with your ſelf, if that were not as high an act of Tyranny, as any of your

your predeceſſours were guilty of, yea, many degrees beyond it.

Sir, the Term Traytor cannot be ſpared, we ſhall eaſily conclude that it doth enforce and denote a breach of Truſt, and it muſt be ſuppoſed to be done by a ſuperior, and therefore as the people of *England* might have incurred that term, if they had been truly guilty of it, as to the definition of the Law; ſo on the other ſide, when you did break your Truſt to the Kingdom, you did break your Truſt to your ſuperior; For the Kingdom is that for which you were truſted; And therefore when you are called to an account for this breach of truſt, you are called to account by your ſuperior. *Minimus Majorem in judicium vocat*: And Sir, the people of *England* cannot be ſo wanting to themſelves, (whom God hath dealt miraculouſly and glorioufly for) they having both power and their great enemy in their hand, but they muſt proceed to Juſtice to themſelves and to you; For Sir, the

the Court could heartily desire that you would lay your hand upon your heart, and consider, what you have done amiss, and that you would endeavour to make your peace with God. Truly Sir, These are two high Crimes, Tyranny and Treason. There is a third, if those had not been, and that is Murder, which is laid to your charge also. All the bloody murders that have been committed since the Division twixt you and your people, must be laid to your charge. Sir, It is a hainous and a crying sin, and truly Sir, If any man will ask us what punishment is due unto a murtherer, let Gods Law, let mans Law speak. I will presume you are so well read in the holy Scripture, as that you know God himself hath said concerning the shedding of mans blood, *Gen.* 9. and *Numb.* 35. will tell you what the punishment is, and this Court in the behalf of the Kingdome are sensible of that innocent blood, that hath been shed, and the Land indeed stands

still

ſtill defiled with that blood, and as the Text hath it *It can no way be cleanſed, but by the ſhedding of the blood of him who ſhed that blood.* Sir, We know no diſpenſation from this blood in the Commandment, *Thou ſhalt do no Murther*, we do not know but that it extends to Kings as well as to the meaneſt peaſants, the meaneſt of the people, the Command is univerſall. Sir, Gods Law forbids it, mans Law forbids it; nor do we know that there is any manner of exception, not even in mans Laws, for the puniſhment of Murther in you. Tis true, that in the Caſe of Kings, every private hand is not to put forth its ſelf to this work, for their reformation or puniſhment; but the people repreſented having power in their hands (were there but one willfull Act of murder by you committed) have power to convent you, and to puniſh you for it.

The weight, Sir, then lying upon you in all theſe reſpects, that have been

been ſpoken, for your Tyranny, Treaſon, Breach of truſt, and the murders that have been committed, ſurely it would drive you into a ſad conſideration concerning your eternall eſtate: I know it cannot be acceptable to you, to heare any ſuch things as theſe mentioned from this Court, for ſo do we call our ſelves and juſtifie our ſelves to be a Court, and a High Court of Juſtice, authorized by the higheſt and ſolemneſt Court of the Kingdome, as hath been often already ſaid. And although you have indeavoured, what lay in you to diſcourt us; yet we do take knowledge of our ſelves to be ſuch a Court, as can adminiſter juſtice to you, as wee are bound in duty to it.

Sir, all I ſhall ſay, before the reading of the Sentence, is but this. The Court doth heartily deſire, that you will ſeriouſly conſider of thoſe Evills, that you ſtand guilty of. You ſaid well the other day, you wiſhed us to have God before our eyes. Truly Sir, I hope

hope all of us have ſo, that God whom we acknowledge to be King of Kings and Lord of Lords, that God with whom there is no reſpect of perſons; that God who is the avenger of Innocent blood; that God have we before our eyes, that God who beſtowes a Curſe upon them, who is in the caſe of guilty malefactors that deſerve death, do withhold their hands from ſhedding of blood: Sir, that God we have before our eyes, and were it not that the Conſcience of our duty hath called us into this place, and this imployment, you ſhould have had no appearance of a Court here. But Sir, we muſt preferre our reſpect unto God and to the Kingdom, above any reſpects whatſoever; and although at this preſent, many of us, if not all of us, are ſeverely threatned by ſome of your party, what they intend to do; yet wee do here declare, that we ſhall not decline or forbear the doing of our duty in the adminiſtration of Juſtice, even to your

your ſelfe; and that according to the merit of your offence; although God ſhould permit thoſe men to effect all their bloody deſigns in in hand againſt us. Sir, we will ſay, and will declare it as thoſe Children in the fiery furnace, who refuſed to worſhip the Golden Image, that *Nabuchadonazer* had ſet up, That their God was able to deliver them from the danger they were neer unto; but if he did not deliver them, yet they would not fall down and worſhip the golden Image We ſhall make this application of it. That though we ſhould not be delivered from thoſe bloody hands & hearts, who conſpire the overthrow of the Kingdom in generall, and of our ſelves in particular, for being actors in this great work of Juſtice; though I ſay, we ſhould periſh in the work; yet by the grace & in the ſtrength of God, we are reſolved to go on with it. And thoſe are the intire reſolutions of us all.

Sir; I ſay, for your ſelfe that we

do

do heartily wiſh and deſire that God would be pleaſed to give you a ſenſe of your ſins, that you may ſee wherein you have done amiſſe, and that you may cry unto him, that God would deliver you from bloody-guiltineſſe. A good King, *David* by Name, was once guilty of that particular guilt; he was otherwiſe upright, ſaving in the matter of *Uriath*. Truly Sir, the Hiſtory doth repreſent unto us, that he was a repentant King, and he had died for his ſinne, but that God was pleaſed to be indulgent to him, and to grant him his pardon, *Thou ſhalt not die* (ſaith the prophet) *but the child ſhall die, Thou haſt given cauſe to the Enemies of God to blaſpheme.*

King. *I would onely deſire to be heard but one word, before you give ſentence, and it is that (to ſatisfie the world when I am dead) you would but heare me concerning thoſe great Imputations which you have laid unto my charge.*

Preſident. Sir, you muſt now give me leave to proceed, for I am not far

far from your Sentence, and your time is now paſt.

King. *I ſhall deſire you, that you will take theſe few words into your conſideration; For what ſoever ſentence you ſhall pronounce againſt me in reſpect of thoſe heavy imputations, which I finde you have laid to my charge; yet Sir,* It *is moſt true that* ———

Preſident. Sir, I muſt put you in minde, I muſt Sir, although at this time, eſpecially, I would not willingly interrupt you in any thing you have to ſay, which is proper for us to admit; but Sir, you have not owned us as a Court, and you looke upon us, as a ſort of people huddled together, and we know not what uncivill language we receive from your party.

King. *I know nothing of that.*

Preſident. You diſavow us as a Court, and therefore for you to addreſſe your ſelfe to us, whom you do not acknowledge to be a Court, for us (I ſay) to judge what you ſhall ſpeake is not to be permitted; and the truth is all along from the very

to diſavow and diſown us; The Court needed not to have heard you one word; for unleſs they be acknowledged a Court and ingaged, it is not proper for you to ſpeak.

Sir, We have given you too large an indulgence of time already, and admitted ſo much delay, that we may not admit of any more. If it were proper for us, we ſhould heare you very freely, not decline to hear the moſt that you could ſpeake to the greateſt advantage for your ſelf, whether it were totall, or but in part, excuſing thoſe great and hainous charges which are laid upon you. But I ſhall trouble you no longer, your ſins are of ſo large a demenſion, that if you do but ſeriouſly think of them, they will drive you into a ſad conſideration; and we wiſh that they may improve in you a ſad and ſerious repentance. And it is the deſire of the Court, that you may be ſo penitent for what you have done amiſſe, that God

may at leaſt, have mercy on your better part. As for the other, it is our part and duties to doe that which the law preſcribeth, we are not now here *jus dare*, but *jus dicere*; we cannot be unmindfull of what the word of God tels us, To acquit the guilty, is of an equall abomination, as to condemn the Innocent; we may not acquit the guilty: What ſentence the law pronounceth to a traytor, a tyrant, a murtherer, and a publike enemy to the Country, that ſentence you are now to hear read unto you, and that is the Sentence of the Court.

Hereupon the Lord *Preſident* commanded the ſentence to be read; whereupon M. *King*, who was Cryer of the Court, having commanded ſilence by his *Oyes*, the Clerke read the ſentence, which was drawn up in Parchment, and did run in theſe words.

Whereas the Commons of England *in Parliament had appointed them an High Court of Juſtice for the tryall of*

Charls

Charls Stuart *King of* England, *before whom he had been three times convented, and at the first time, a Charge of High Treason and other Crimes and Misdemeanors was read in the behalfe of the Kingdome of* England; which Charge followeth in these words.

This Charge being read (said the Clerk) *Charls Stuard* was required to give his answer, which he refused to do, but expressed these passages and many more such as these are, in refusing to answer.

The Clerk having repeated many passages, during the time of his triall, in which the King shewed an averseneſſe to acknowledge the Court) did proceed to read the Sentence, which was in these words?

For all which Treasons and Crimes, this Court doth adjudge that the said Charls Stuart *as a Tyrant, Traytor, Murtherer, and a publike Enemy, shall be put to death by severing his Head from his Body.*

The Sentence being read, the

Lord Prefident ſaid; This Sentence now read and publiſhed is the Act, Sentence, Judgement, and reſolution of the whole Court.

Hereupon, the Court ſtood up, as aſſenting to what the Preſident ſaid.

King. *Will you hear me one word Sir!*

Preſident. Sir, you are not to be heard after the Sentence.

King. *No Sir!*

Preſident. *No* Sir, by your favour *Sir*,------Guard withdraw your Priſoner.

King. *I may ſpeak after the ſentence* ——*By your favour Sir, I may ſpeak after Sentence ever. The Guard drawing to him, he ſaid unto them; by your favour hold: and turning to the Preſident, he ſaid; the Sentence Sir,—— I ſay Sir I do—but being not permitted to proceed, he ſaid I am not ſuffered to ſpeak, expect what Juſtice other people will have.*

Cryer. All manner of perſons, that have any thing elſe to do, are to depart at this time, and to give

their

their attendance in the Painted Chamber, to which place this Court doth forthwith adjourn it self.

Then the Court arose, and the Kings guard did bring him to Sir *Robert Cottons* house, and he was afterwards conducted to Saint *Jameses*.

The severall Depositions of the pretended Witnesses, as it is in their Book printed in French.

William Cuthbert of Patrington in Holdernes *Gentleman*,

HAth *deposed upon Oath*, *that being at* Hull-*bridge nigh* Beverly, *he discovered in* July 1642. *that there were levied about three hundred footmen under the command of* Robert Strickland, *for the Kings guard*; *and that*

that about the second of the said Month, which was Sunday, he saw about four or five of the clock in the evening, a Troop of Horse called the Princes Troop, enter Beverly, at which time James Nelthorp was Mayor of the Town; and that he saw the same day this Troop march from Beverly to Holdernes, where he saw ammunition distributed to them, which were brought for them from about Humber. Moreover the same, upon deposition, said, that the same Sunday night there arrived at the gate of his house, called the Bridge of Hull nigh Berverly, about three hundred footmen, that said they were the Regiment of Sir Robert Strickland, under the command of Lieutenant Col. Duncomb, and were called the Kings guard, who forced open his door, and took possession of his house, and that the same night my Lord Newport and my Lord Carnarvan came to these souldiers, with divers others, at which time the Deponent was informed that Sir Thomas Gower Sheriff of that County, was present at this rendezvous and had left order and expresse command to stop

all Provisions from those quarters, and that none should be carried to Sir J. Hotham Governour of Hull for the Parliament, which Order was put into the hands of the Deponent, being then Constable of that Parish, for the said Lieutenant Colonel Duncombe. The said William Cutbert has deposed in processe, that he was driven out of his house by the soldiers, and was forced to retire to Beverly with his Family: and that afterward, to wit, Thursday next, as much as he can remember, he saw the King come to Beverly, and go into my Lady Gees houses in which he saw him severall times with Prince Charls, and the Duke of York: and that the Militia was raised in Holdernes, in the name and by the command of the King, and he published himself every where. He hath farther deposed, that the night following, these soldiers that had seized upon his house, as was said, which was the first act of hostility that was committed in those parts, they plundred also the House of Colonel Ledgeers; and that after this regiment of Colonel Strickland was gone from the Bridge of Hull, where

where it had quartered ten days, Colonel Wynewell *ſeized upon it alſo with ſeven hundred foot, that lodg'd there.* Item *he depoſed, that the Order which he ſhewed the Court, is the originall of which we have ſpoken. As alſo that my Lord* Lindſey *was made Generall of thoſe Forces, and of thoſe that were then levied, and that he was brought before him upon report that he held intelligence with Sir* J. Hotham *Governour of* Hull, *and that notice being given to the ſaid General, that the Deponent had proviſions of corn to ſend into* Ireland, *he was prohibited to have them tranſported, or carried to any other place without the Kings command or the ſaid Generals.*

John Bennet *in the County of* York, *Glover.*

HAving born arms on the Kings ſide, from the firſt day that he erected his Standard at Nottingham, *ſix years ſince, being examined upon*

Oath

Oath, hath deposed, that working at his own Trade at Nottingham, he had seen the King two or three times after his great Standard of War was erected, and at the same time that it was displayd from the highest Tower of the Castle; and also that he heard that the King was present the first day and the first time it was erected: He said farther that he then received his livery, and that Sir William Pennyman gave cloth at that time to the Regiment of which he was, and the said Knight was Colonel of it, and that cloth was also given to the Regiment of my Lord Lindsey, who was also then proclaimed then General of the Army at the head of every Regiment; where the King also caused to be published, that those forces should fight against all those that should follow his party, particularly against the Earl of Essex, Generall of the Parliaments Army, against my Lord Brooks, and divers other Officers of that party; all who were declared Traitors by printed proclamations, which were dispersed at the same time through all Regiments by their Officers. To

which

which he also added, that he had often seen the King in Nottingham *at the time that his forces quarter'd there, which was about a Moneth, that the Drum was beaten over all the Country to raise men for the King, and that many were listed, partly willing and partly forced for fear of being plundred, as among the rest was the Deponent, the said Sir* William Fenniman *cryng out aloud, that it would be well done to set the Town on fire, the Citizens shewing themselves so backward to take up arms for their Kings service. He did farther depose, that about the Month of* October, 642. *he saw the King on horseback at* Edge-*hill in* Warwick-*shire, looking on his Army in battail, and heard him command all the Colonells and Officers, that passed before him to encourage their soldiers, exhort and animate them to fight against my Lord of* Essex, *my Lord* Brooks, *Sir* William Waller, *and Sir* William Belford, *and that after this first fight, he saw in the field a great number of dead bodies, of which, he saw a list brought afterward to the King at* Oxford, *which they*

they said came to the number of 6559. The Deponent hath also testified that about the Moneth of November following, he saw the King at the head of his Army upon Hownslo-heath in the County of Middlesex, with Prince Robert by him, and heard him encourage divers Regiments of those that were levied in Wales, which had been at the battail of Edge-Hill, saying to them, he hoped they would regain at Brainford the honour they lost at Edge-Hill.

William Brayne *Gentleman of* Wixehall *in the County of* Salop.

HAth deposed upon Oath, that in August 1642. he saw the King in Nottingham at the time when his Royal Standard was there erected and displaid, and that about that time he marched with the Army in which the King was, from thence to Darby, and that being suspected in September for a spy he was examined before

before Sir Robert Heath, *and divers other Commissioners at* Shrewsbury, *where the King was in person.*

Henry Hartford of Stafford upon Avon in Warwick-shire.

HAs *also given in upon Oath, that in the year* 1642. *he saw the King at the Castle of* Nottingham, *when his great Standard was planted and displayed upon a Tower of the Castle, and moreover that about* November, *he saw the King at* Brainford *being a horse-backe with great number of War-Officers on a Sunday morning, immediately after that* Satturday *night, in which great number of the Parliaments people had been killed thereabout.*

Robert

Robert Large, Painter of the Town and County of *Nottingham*.

HAs *depoſed upon Oath, that in the ſummer of* 1642. *he painted, by command of my Lord* Beumant, *the great Standard of War, that was planted upon the high Tower of the Caſtle of* Nottingham, *and that he often ſaw the King thereabout, at the ſame time that his Standard was erected and diſplayed.*

Edward Robert of Biſhops Caſtle, in the County of *Salop*.

BEing *alſo examined upon his Oath, has depoſed that he ſaw the King in* Nottingham *whileſt his great ſtandard was planted and diſplayed upon a Tower of the Caſtle, and that he ſaw the King march at the head of his Army from* Shrewsbury *to* Edge-hill, *being in the Reer-gard upon the Field, where the battle*

battle was fought, and that also he saw him on Sunday *at* Brainford *after the combat of* Saturday-night *precedent.*

John Penninger *of* Hayner *in* Darby-shire.

BEing examined upon Oath, hath testified, that about August 1642. *he saw the great standard of War displayed upon one of the Towers of* Nottingham *Castle, that the same day he also saw the King in* Thurland-house, *belonging to the Earle of* Clare *at* Nottingham, *with Prince* Robert, *Sir* Kelam Digby, *and divers other Lords, and people of other condition, and that the King had then Canons in the Town, that was full of Souldiers.*

Samuel

Samuel Lawſon *Brewer of* **Nottingham.**

HAs depoſed upon Oath, that about Auguſt 1642. *he ſaw the geat ſtandard of War, brought down from the Caſtle of* Nottingham *by divers perſons of quality to the next Hill, a Herald at Armes marching before them, that the ſaid ſtandard was planted upon that hill with great cryes and acclamations, with the ſound of the Trumpet and Drums, that alſo, preſently after, there was publiſhed a Command from the King, who was there in perſon to ſee his ſtandard Erected, adding moreover that the town was full of ſouldiers; And that when the King left the town with the ſouldiers, the Inhabitants were forced to pay a great ſumme of money to his Army, that threatned them plunder, if they refuſed it.*

Thomas

Thomas Whittington, Shoomaker of *Nottingham*, hath depoſed upon Oath.

THat he ſaw the King in the ſaid Town the ſame day, that his great ſtandard of War was raiſed on the Caſtle about the beginning of Auguſt 1642. and that the King tooke his journey from Thurland-houſe towards the ſaid Caſtle, and that he ſaw him ſeverall times in Nottingham, which was full of ſouldiers, who ſaid they were of the Kings army, the great ſtandard being then diſplayed upon the old tower of the Caſtle.

Robert Loads of *Cottam* in *Nottinghamſhire*, affirmed upon Oath.

THat about October 1642. he ſaw the King in the reere-guard of his Army at Kinton field on a Sunday, about which place, he ſaw divers dead bo-

dies on both ſides. That moreover he ſaw the King in his Army in Cornwall *nigh my Lord* Moon's *houſe, in the year,* 1644.

Samuel Morgan Haberdaſher *of* Wellington, *in the County of* Salop, *depoſed upon Oath.*

THat *he ſaw the King on* Sunday *morning in the field at* Kinton *upon the higheſt point of* Edgehill, *at the head of his Army about two hours before the battail began, which was after* Michelmas 1642. *And that afterward he ſaw at the ſame place a very great number of dead bodies on both ſides; and farther that in* 1644. *he ſaw the King in his army, neere* Cropredy *bridge, put his own men in battaile array.*

James

James Williams Shoomaker of *Rosse* in *Herefordshire*, deposed upon Oath.

THat *about* October, 1642. *he saw the King in* Kinton-*field upon the Hill, having his sword drawn in his hand, when and where a great battel was fought, and many kill'd on both sides. Moreover that he saw the King at* Brainfor.. *on a Sunday before mid day in* November *the same year, whilst his army was all in and about the town.*

Arthur Young Chyrurgion and Burgess of *London*, being examined upon Oath testified.

THat *being in the Battel of* Edge-*hill that was fought between the Army of the King, and that of the Parliament, in* October, 1642. *he saw the great Standard brought and displayed*

in the Kings Army, which being taken in the fight, it was regained by one Middleton, *whom the King presently made Colonel.*

John Thomas Labourer in *Langellen* in the County of *Denbigh*, deposed upon Oath.

THat he *saw the King at* Brainford *in the County of* Middlesex, *on a Saturday a little after the battle of* Edge-*hill, being followed by a good number of horse and foot, and being himself armed a horseback, and heard him say to his people, passing through the towne, Gentlemen, you lost your honour at* Edge-hill, I *hope you will recover it here, and before the King had ended his speech the two Parties began to skirmish and engaged so far that many were killd on both sides.*

Richard

Richard Blomefield Merchant, Draper and Citizen of *London*, depoſed upon Oath.

THat *he was preſent at the rout of the Earle of* Eſſex *his Army in* Cornwall *about the end of* Auguſt *or at the beginning of* September, 1644. *where he ſaw the King on horſeback at the head of his army, and that he ſaw divers ſouldiers of the Parliaments, many plundred and diſmantled hard by the Kings perſon againſt the conditions and Articles agreed upon.*

William Jones Laborour of *Uske* in *Monmouth-shire* affirmed upon Oath.

THat *he saw the King coming from* Wards Harbrough, *and marching at the end of his Army towards* Naseby *where the battle was fought a little after, and that the King being advanced towards the Regiment of Colonel* S. George, *he asked of the Officers and Souldiers, if they were not resolved to fight for him, and that upon it, they cryed out with great acclamations, that they were ready to fight. Moreover, the Deponent said, that he saw the King with his forces in* Leicester, *the same day that it was taken by the Parliament. As likewise that he saw him in his Army at the siege of* Gloucester.

Hum-

Humphrey Brown *of* Witſunday *in* Rutlandſhire.

HAs depoſed that wh n Leiceſter *was taken by the Kings. Army, about* June 1645. *the Fort of* Newark *being rendred upon Compoſition and condition, that thoſe that went forth ſhould carry their bagage with freedom, without any violence to be offered, as ſoon as the place was rendred, notwithſtanding this capitulation and againſt the Articles, the Kings ſouldiers fell upon them, plundered them, and beat and wounded many of them: And that one of their Officers taxing them with their ill uſage of theſe poore people againſt the law of Arms, the deponent heard the King reply (who was there in perſon with his ſword drawn at the head of his Army) that he would ſee they ſhould uſe them worſe, being his enemies.*

David Evans *Marſhall of* Aburgeny *in* Monmouthſhire, teſtified:

THat *about half an houre before* Naſeby *fight, which was at Mid-ſummer* June 1645. *he ſaw the King marching himſelf in battaile at the head of his Army, half a mile from the place of the fight.*

Diogenes Edwards *Butcher of* Carſton *in the County of* Salop.

AFfirmed *that at the ſame time, he ſaw the King a mile and a half from the Camp, marching in battaile aray, at the head of his Army, about an houre and half before the ſaid battaile was fought, and that the ſame day, he ſaw afterwards many bodies dead upon the place.*

Giles

Giles Grice *of* Wellington *in* Shropshire, *Gentleman.*

DId depose, that he saw the King at the head of his Army at Cropredie Bridge, with his sword drawn in his hand, the same day that there was a battail fought against Sr. William Waller's Army, which was on a Friday, 1644. about July, as much as he could call to minde. That he saw him also at the head of his Army the same summer nigh Lietchfield at the same time that the Earle of Essex was there with his Army. Also that he saw the King at the head of his men in the second fight at Newbery. And that he saw him Arm'd back and brest, at the head of his Army at Naseby. The same did testifie, that he saw him at the head of his Army, at the taking of Leicester, at the same time that an assault was given, and after enter'd the place on horseback after it was taken, and that he saw many men kill'd on both sides, and many houses were pillaged in the said Town.

John

John Vinſon *of* Damorham *in* Wiltſhire *Gentleman, affirmed.*

THat he ſaw the King at the head of his Army, at the firſt Newbery *battaile about* September 1643. *and many people dead on both ſides,*

The ſame hath alſo depoſed, that he ſaw the King at the head of his Army, armed Capape *with his ſword drawn in his hand in the ſecond fight at* Newberry, *about* Octob. 1644. *at what time he ſaw him draw up the Regiment of Horſe, of Colonel* Tho. Howard *to a Charge, and that he heard him make a ſpeech to that Regiment, ſaying, that they were to make good to him that day, that his Crown was at the point of his Sword, and if he loſt that Battail, he loſt his honour and his Crown for ever, and that after he ſaw great number of dead men killd in that fight on both ſides.*

The ſame alſo teſtified, that he ſaw the King in the battail at Naſeby *in* Northamptonſhire, *about* June, 1645.

1645. *being armed, with his Head-piece on, his ſword drawn in his hand, where perceiving his people in flight, he himſelf made the horſe to rally and ſtaid them, at which time he alſo ſaw many dead bodies on both ſides.*

George Seeley of *London*, Shoomaker, *depoſed*,

THat he ſaw the King at the ſiege of Gloceſter, *at the head of a Brigade of horſe, and that he ſaw him at the firſt fight of* Newberry, *about* September, 1643. *being at the head of a Regiment of horſe, and that many were killed on both ſides in this fight. To which he added, that he alſo ſaw the* King *in the midſt of his Army in the ſecond* Newberry *fight about* November, 1644.

John

John Moor of *Cork* in *Ireland*, Gentleman, did depoſe,

THat *in the Battel at* Newberry *ſecond fight, in the ſame month, he ſaw the* King *in the middle of his horſe, with his ſword drawn, that afterwards he ſaw many killed on both ſides in this fight, and that he ſaw him enter on horſe-back in the head of a Brigade of horſe into* Leiceſter, *the ſame day that it was taken by his men, about* June, 1645. *he alſo added, that he ſaw the* King *in the midſt of a Regiment of horſe at* Copredibridge *before* Leiceſter *fight, and ſaw the fields covered with dead men, killed in that fight, where the* King *was in perſon, that he ſaw him alſo at the head of a Regiment of horſe in Naſeby fight, about* June 1645. *and that there was alſo many killed and wounded.*

Thomas

Thomas Grees of *Boyſet* in *Northamptonſhire*, Labourer, did teſtifie,

THat *he ſaw the King at the firſt* Newbury *fight in* Bark-*ſhire*, September, 1643. *and that he there ſaw many dead bodies, having himſelf received orders amongſt others, to ſtop the Parliaments forces till their dead men were taken away; that he alſo ſaw the King marching with his Army towards* Naſeby *field, immediatly before the fight about* June, 1645. *and that his Army being routed, he ſaw him make a retreat with a Brigado of horſe, and that a great number were killed on both ſides in this fight.*

Thomas

Thomas Rollins of *Hanſlop*, in *Buckingham*-ſhire Gentleman, did depoſe,

THat he ſaw the *King* nigh Foy *in* Cornwall, *about* July 1644. *at the head of a brigade of horſe, and that he ſaw ſome Parliament-ſouldiers pilledged nigh the Kings perſon, contrary to the Articles agreed upon on both ſides.*

Thomas Read of *Maidſtone* in *Kent*, Gentleman,

AFfirmed upon Oath, *that preſently after the Parliaments Army had rendred it ſelf in* Cornwall *upon compoſition, he ſaw the King at the head of a guard of horſe, between* Leſtithiel *and* Foy, *about the end of* Auguſt, *or the beginning of* September 1644.

James

James Grosby of *Dublin* in *Ireland*, did depoſe,

THat *at the firſt* Newbury *fight about harveſt time*, 1643. *he ſaw the King coming on horſeback from* Newbury, *accompanied with abundance of great Lords and Noble men, and going towards the place where his forces were engaged to the* Parliaments *Army*;

Samuel Burden of *Lyneham* in *Wiltſhire*, Gentleman, teſtifieth,

THat *he was at* Nottingham, *about* Auguſt 1642. *at what time he ſaw the great Standard diſplayd upon one of the Towers of the Caſtle, and that the next day he ſaw the King, whilſt his Standard, as they call it, was diſplayd, moreover that he ſaw the* King *at the head of his Army near* Copredy-bridge

bridge in a ſtubble field, being in purſuit of Sir William Wallers *forces, who was routed about* July 1644. *and that he ſaw at that time great numbers of dead men in the field; he teſtified farther, that towards* November *following, he ſaw the* King *in the laſt* Newberry *fight, galloping up and down from Regiment to Regiment, whilſt his Army was engaged with that of the Parliament, and that he ſaw afterwards great numbers of men killed, fighting on both ſides.*

Michael Potts of *Sharpeton* in *Northamberland*, Vintner, depoſed,

THat he ſaw the King at the head of of his Army, in a field about a mile and an half diſtant from Newberry, upon a plain, the day before the fight, which was about harveſt time, 1643. and that he ſaw the King in the field, nigh a peice of great Canon during the fight, that he alſo ſaw him at the head of his Army in the ſecond Newberry fight about

about Michaelmaſs, 1644. *after which he ſaw great number of men kild on both ſides. Adding moreover, that he did alſo ſee him at the head of his Forces, nigh* Copredy bridge; *and afterwards the ſame year towards harveſt nigh* Leſtithiel *in* Cornwall, *at what time the Earle of* Eſſex *was there with his Army.*

The NAMES of the said Pretended JUDGES who gave Sentence against the Late KING Jan. 27. 1648.

John Bradshaw Lord President
Oliver Cromwell
Henry Ireton.
Sir Hardress Waller.
Valentine Walton.
Thomas Harison.
Edward Whaley.
Thomas Pride.
Isaac Ewer.
Lord Grey of Grooby.
William Lord Mounson.
Sir John Danvers.
Sir Thomas Maleverer.
Sir John Bourcher.
Isaac Pennington.
Henry Martin.
William Purifoye.
John Barkstead,
Gilbert Millington.
Thomas Chaloner.
Matthew Tomlinson.
John Blakeston.

Sir.

Sir *William Constable.*
Edmund Ludlow,
John Hutchison.
Sir *Michael Levesey.*
Robert Titchburne.
Owen Roe.
Robert Lilburne.
Adrian Scroop.
Richard Dean.
John Okey.
John Harrison.
John Hewson.
William Goffe.
Cornelius Holland.
John Carew.
John Jones.
Thomas Lister.
Peregrine Pelham.
Thomas Wogan.
Frances Allen.
Daniel Blagrave.
John Moor.
William Say.
Francis Lascels.
John Chaloner.
Gregory Clement.
Sir *Gregory Norton.*
John Venn.

Thomas Andrews.
Anthony Stapley.
Thomas Horton.
John Liſle.
John Brown.
John Dixwell.
Miles Corbet
Simon Menyne.
John Alured.
Henry Smith.
Humphrey Edwards
John Frye.
Edmund Harvey.
Thomas Scot.
William Cawley.
John Downes
Thomas Hammond.
Vincent Potter.
Auguſtine Garland.
Charles Fleetwood.
John Temple.
Thomas Wayte.

Counſellours aſſiſtant to this Court, and to draw up the Charge againſt the KING, were
Doctor Doriſlaus.
Mr. Aske.

Mr.

Mr. *John Cooke*. Solicitor.
Serjeant *Denby*, Serjeant at Armes.
M Broughton. | Clerks to the
M. Phelpes. | Court.
Colonel *Humfrey*, Sword bearer.

Meſſengers, Door-keepers, and Cryers were theſe;
Mr. Walford.
Mr. Radley.
Mr. Paine.
Mr. Powell.
Mr. Hull.
Mr. King.

The SENTENCE *againſt the ſaid* KING January *the* 27th 1648. *which was read by* Mr. Broughton *aforeſaid Clerk.*

WHereas the Commons of *England* in Parliament, have appointed them an

High Court of Juſtice for the Tryall of *Charles Stuart* King of *England*, before whom he had been Three times Convented, and at the firſt time a Charge of High Treaſon and other Crimes and Miſdemeanours was read in the behalf of the Kingdome of *England*, &c. as in the Charge which was read throughout.

To which Charge, he the ſaid *Charles Stuart* was required to give his Anſwer, but he refuſed ſo to do; and ſo expreſt ſeverall paſſages at his Tryall, in refuſing to anſwer.

For all which Treaſons and Crims, this Court doth adjudge, that the ſaid *Charles Stuart*, as a Tyrant, Traytor, Murtherer, and Publick enemy, ſhall be put to death, by ſevering his head from his body.

This Sentence (*ſayes the Preſident*) *now read and publiſhed is the act, Sentence, Judgement and Reſolution of the whole Court.* To which the Members of the Court ſtood up and aſſented to what he ſaid *by holding up their hands.*

The

The King offered to ſpeake, but he was inſtantly commanded to be taken away and the Court broke up.

The true manner of proceeding to take off the Kings Head according to the Sentence given as aforeſaid.

Sir *HardreſsWaller* Collonel *Harriſon*, Commiſſary General *Ireton*, Colonel *Dean* and Colonel *Okey*, were appointed to conſider of the Time and Place for the Exceution of the King, according to his Sentence, given by the (pretended) High Court of Juſtice.

Painted Chamber, Monday *January* the 29th 1648.

VPon Report made from the Committee for conſidering of the Time and place of the Executing of the Judgement againſt the King, that the ſaid Committee have Reſolved, *That the open ſtreet before*

White-hal *is a fit place*: And the ſaid Committee conceive it fit, *That the King be there executed the morrow, the King having already notice thereof.*

The Court approved thereof, and ordered a Warrant to be drawn to that purpoſe, which Warrant was accordingly drawn and agreed to, and Ordred to be ingroſſed, which was done and ſigned and ſealed according, as followeth.

At the High Court of Juſtice for the Trying and Judging of King CHARLES *the I. of England January* 29. 1648.

WHereas *Charles Stuart* King of *England*, is, and ſtandeth Convicted, Attainted and Condemned of High Treaſon, and other Crimes, and Sentence, on Saturday laſt, was pronounced againſt him by this Court, to be put to Death, by ſevering his head from his body, of which Sentence Execution yet remaineth to be done.

Theſe

Theſe are therefore to will an require you, to ſee the ſaid *Sentence* Executed in the open ſtreet before *Whitehall* upon the morrow, being the 30. day of this inſtant Moneth of *January*, between the hours of Ten in the morning, and Five in the afternoon of the ſame day, with full effect; and for ſo doing, This ſhall be your ſufficient Warrant: and theſe are to require all Officers and Soldiers and other the good people of this Nation of *England*, to be aſſiſtant unto you in this ſervice. Given under our hands and Seals.

To Colonel Francis Hacker, *Colonel* Huncks *and Lievtenant Colonel* Phray, *and to every of them.*

Sealed and Subſcribed by,
John Bradſhaw Preſident.
Thomas Gray.
Oliver Cromwell.
Edward Whaley.
John Okey.

John

John Danvers.
Mich. Lieveſey.
John Bourcher.
Hen. Ireton.
Tho Maleverer.
Jo Blackeſton.
Jo Hutchiſon.
William Goffe.
Tho. Pride.
Henry Smith.
Vincent Potter.
William Conſtable.
Rich. Ingoldsby.
Will. Cawley.
John Barkſtead.
Iſaac Ewer.
Val. Walton.
Peter Temple.
Tho. Harriſon.
John Hewſon.
Per. Pelham.
Richard Dean.
Rob. Tichburn.
Hump Edwards.
Dan. Blagrave.
Owen Roe.
Will. Purifoye.
Adrin Scroop.

James

James Templer.
Aug. Garland.
Edmu. Ludlow.
Hen. Martia.
Jo. Allewred.
Rob. Lilburn.
Will. Say.
Anthony Stapley.
Gregory Norton.
Tho. haloner.
Tho. Wogan
Simon. Meyne.
Tho Horton.
John Jones.
Jo. Moore.
Hardress Waller.
Gilbert Millington.
Charls Fleetwood.
Jo. Venn.
Greg. Clement.
Jo. Downes.
Tho. Waite
Tho. Scot.
John Carew.
Miles Corbet.

Ordered

Ordered, *That the Scaffold on which the King is to be executed, be covered with Black*. The Warrant for executing the King being accordingly delivered to thoſe parties to whom the ſame was directed Execution was done upon him according to the Tenour thereof about Two a clock in the afternoon, of the ſaid 30. of *January*. 1648.

The Fatall day of the ſaid Execution, being Tueſday, January *the* 30. 1648.

HIS Majeſty continued in Prayer all the morning, and receives the Sacrament Juſt at Ten a Clock before noon, he was conveyed on foot, from St. *James's* Palace to *Witehall*, guarded by a Regiment of Foot Soldiers, part before, part behind, with Colours flying, and Drums beating, his private guard of Patirzans about him, and Dr. *Juxon* Biſhop of *London*, next to him on one ſide, and Colonel *Tomlinſon* on the other; being come to *Whitehal*,

hall, he continued in his *Cabinet Chamber* at his divotions, refuſing to dine, onely about 12 a clock he eat a bit of bread, and dranke a glaſſe of *Claret* wine; from thence he was conveyed into the Banqueting houſe, and the great window inlarged, out of which he aſcends the *Scaffold*, the rails being hung round, and the floor covered with black, His Executioners diſguiſed with Viſards, yet was his Majeſty not affrighted: He ſhewed more care of the people living, then of himſelfe dying: for looking round upon the people, whom the thick Guards of Soldiers kept a great diſtance of, and ſeeing he could not be heard by them, omitting (probably) what he purpoſed to have ſpoken to them, therefore turning to the Officers and Actors, by him, he delivered him ſelf in a ſhort (but excellent) *Speech*, which being ended, he meekly went to *Prayers*, and after ſome heavenly diſcourſe between him and the Biſhop, having prepared himſelfe, he lifted

up

up his eyes to heaven, mildely praying to himself; he ſtooped down to the block as to a prayer-deske, and moſt humbly bowed his generious Neck to Go, to be cut off by the Vizarded Executioner, which was ſudainly done at one blow. Thus fell King *Charles*, the I. and thus all *Britan* with him.

His Majeſties Reaſons, againſt the pretended Juriſdiction of the High Court of Juſtice, which he hath intended to have given there on Munday Jan. 26. 1649.

Faithfully tranſcribed from the original coppy of the King.

SInce I have already made my Proteſtation, not onely againſt the illegality of this pretended Court, but that no power on earth can juſtly call me (who am your King) into queſtion as a Delinquent, I would no longer have opened my mouth on this Argument, but have referred my ſelf to thoſe things which I then ſpoke, if this onely concerned my own particular; But the duty which I ow to God, to preſerve the true liberty of my people; doth not permit me at this time, I ſhould be ſilent; for how can any free

free born *Subject* of *England* call his life or any thing he doth poſſeſs his own, if power without law can daily make new, and abrogate the old and Fundamentall Laws of this Land, which I judge to be the preſent caſe? Wherefore when I was brought hither, I expected that you would have ſtudied to ſatisfie me in thoſe Fundamentals, which do hinder me from puting in my Anſwer, to the pretended charge; but ſince I do obſerve, that nothing which I can alledge can perſwade you to it (although negatives are not ſo naturally proved as affirmatives) yet I have thought good to declear unto you the Reaſons for which I am confident, you are not in a capacity to judge me, nor the vileſt man in *England*, for without ſhowing my Reaſons, I will not (as you) be ſo unreaſonable importunate, as to exact either belief or obedience from my *Subjects*.

Here was I reſtrained, and not ſuffered

ſuffered to ſpeak any more of Reaſons, there is no juſt Proceſſe againſt any man, which deriveth not its authority, either from the Law of God, or from the municipall Laws of the Land.

Now I am moſt ſure, that the Proceſſe at this day made againſt me, cannot be confirmed by the law of God; for on the contrary, the neceſſity of obedience is cleerely confirmed, and ſtreightly commanded in the old and new Teſtament; which if it be denyed, I am prepared preſently to prove it; and as for the queſtion now in agitation, it is ſaid there, *Where the word of a King is, there is power, and who can ſay unto him, what doeſt thou?* Eccleſ: 8.v.4. Then as to the Laws of the land, I am as confident that no learned Lawyer will affirm, that any charge can be brought againſt the King, ſince they all go forth under his name, and it is one of their axioms, that the King cannot do any injury, Moreover the law on which you do ground your proceſſe,

ceſſe, is either old or new, if it be old, ſhew that law unto me, if it be new, tell me what Authority eſtabliſhed by the Fundamentall laws of this land did give it birth and when? but how the Houſe of Commons can erect a Tribunall of Juſtice, which was never one it ſelf (as all *Lawyers* will confeſſe with me) I leave it to God and to the world to judge; and it will ſeeme moſt ſtrange to any, who ever have heard of the laws of *England*, how they can pretend to make laws without either the King, or the Houſe of Peers.

Nevertheleſſe it be admited, but not granted, that a Commiſſion from the people of *England*, is able to confirm your pretended power, yet I ſee nothing that you can ſhow for it, for I am confident that you never asked that queſtion of the 10th. man in the Kingdome; in this method you do a moſt apparent injury, even to the pooreſt ploughman; if you ask not his conſent, neither can you pretend

any

any coluor to this your pretended Commiſſion, if you have not the concurring voyces of at leaſt the greateſt part of this Nation, of every degree and quality, which you are ſo far from obtaining, that I am confident you never ſo much as ſought it,

You ſee then, that I do not onely ſpeake for my own Right, as I am your King, but alſo for the true liberty of all my ſubjects, which conſiſteth not in dividing the power of Government, but in living under ſuch laws, and ſuch a Government, as may grant them the beſt ſecurity of their lives, and the propriety of their goods In this, I ought not to be forgetfull, neither do I forget the priviledges of both Houſes of Parliament, which theſe proceedings do not onely violate, but give an occaſion of the greateſt breaking of the publick faith; and ſuch (I believe) as the like was never heard of before, with which I will not at all, charge both Hou-

ſes, for the pretended crime which they impoſe upon me, are far before the Treaty at *Newport*; in which when I aſſented to, and did conclude as much as poſſibly lay in my power, and did juſtly expect the aſſent of both Houſes, I was ſuddenly taken from thence, and carried a way as a priſoner, and againſt my will, I was hurried hither, and ſince I came to this Court, I cannot with all my indeavours, defend the ancient laws and liberties of this Kingdome, together with my juſt priviledges, and as much as I can poſſiblely diſcern the upper Houſe, which is the Houſe of Lords, is totally excluded.

And as for the Houſe of Commons, it is to much known, that the greater part of them are either impriſoned, or affrighted from ſitting, ſo that if I had no other Cauſe, this was ſufficient enough to make me Proteſt againſt the authority of your pretended Tribunall. Beſides all theſe things, the peace

peace of the Kingdome, is not the leaſt part of my cares, and what hope can there be of eſtabliſhing it, as long as power reigneth without the Rule of the law, changing the whole frame of the Government under which this Kingdome hath flouriſhed theſe many ages; neither will I ſpeak what is likely to follow, if theſe unlawfull proceedings ſhall yet continue againſt me; for I believe, the Commons of *England* will give you no thankes for this change, eſpecially, when they ſhall call into their mindes, how happily they heretofore have lived in the Reigns of Queen *Elizabeth*, and of the King my Father, and in my own Reign before the beginnings of theſe unhappy tumults, and they will have a juſt cauſe to doubt, if they ſhall be ſo happy in any new Government.

In that time it will moſt evidently appeare that I onely took up Armes to defend the Fundamentall Lawes of this kingdome

againſt thoſe who oppoſed my power, and totally would have ſubverted the antient Government.

Having ſo briefly declared my Reaſons to you, for which I could not ſubmit to your pretended Authority, without violation of the Truſt which God hath committed to me for the ſafety, and liberty of my people, I expect from you either clear Reaſons to convince my Judgment by demonſtrating to me that I am in an Error, (and then ſurely, I ſhal be ready to give you an anſwer) or elſe, that you ſuſpend your preſent proceedings.

This I had determined to have ſpoken in *Weſtminſter* Hall on *munday* the two and twentieth of *January*, but againſt Reaſon, I was prohibited to pronounce my Reaſons.

In the year 1648. *Engliſh* ſtyle,
1649. Vulgar ſtile.

The End.

The Speech of King Charls *upon the Scaffold at the gate of* White Hall, *immediately before the execution.* Ianuary *the thirtieth.*

ABout ten in the morning, the King was brought from Saint *Jameses* Court, he did walk on foot through the Park, with a Regiment

ment of Foot, one half before him, and the other behinde him, their Colours flying, and their Drums beating, his private guard of Partisan with some of his Gentlemen did go immediately bare headed before him, and some part of them behind him; but those who were next of all unto him behinde, were Dr. *Juxon* and Colonel *Thomlinson*, to the last of whom the care and charge of his Person was committed, these two being barehead did talk with him all along the Park, and as you go up the stairs into the Gallery, and so into the Cabanet chamber, where he used to lye, in which place, he continued at his Devotion, and refused to dine, because he that morning had taken the Sacrament, only about one hour before he came forth he drank one glasse of Claret wine, and did eat a crust of bread about twelve of the clock at Noone.

From thence he was accompanied by Doctor *Juxon*, Col. *Thomlinson*, and other Officers formerly appointed to be his guard, and with the

the private Guard of Partizans, with musquitiers on either side, through the banquetting house, at the farther end, on the out side whereof, the Scaffold was erected, neer unto the Gate of *White hall*. The Scaffold was hung round with black, and the floore was covered with black, and the Ax, and the Block laid on the middle of the Scaffold. There were severall Companies of Foot, and Troops of Horse placed on the one side of the Scaffold, and the other, and multitudes of people that thronged to see so rare a spectacle were very great.

The King was no sooner come upon the Scaffold, but he looked very earnestly on the Block, and asked Col. *Hacker*, if there were no higher, and then spake thus, directing his speech chiefly to Colonel *Thomlinson*.

The

The Kings Majesties moſt Excellent Speech.

I Shall be very little heard by any of the people, I ſhall therefore ſpeak a word or two to you who are here. Indeed I could hold my peace very well, if I did not think that my ſilence would make ſome men think, that I did ſubmit to the guilt, as well as to the puniſhment; but I conceive it is my duty, Firſt unto God, and afterwards to my Countrey, to vindicate my ſelf, as an honeſt man, a good King, and a good Chriſtian.

I ſhall begin firſt with my Innocency. Introth, I think it not very needfull for me to inſiſt long upon this, for all the world knows, that I never did begin Warre with the two Houſes of Parliament, and I call God to witneſſe, to whom I muſt ſhortly make my account, that I never did intend to incroach upon their priviledges: they began with me, It was the Militia they began upon, they confeſſed that the Militia was mine, but they

they thought it fit to have it from me, and to be short, if any man will look to the Dates of Commissions, of their Commissions or mine; and likewise to the Declarations, will find clearly, that they began those unhappy troubles, not I; so that as for the guilt of these enormous crimes which are laid upon me, I hope in God, that God will clear me of them.

*I am in charity, I will not, and God forbid I should lay it upon the two Houses of Parliament, there is no necessity of either: I hope they are free from the Guilt, for I do believe, that evill instruments between them and me, have been the chief cause of all this bloodshed, so that by way of speaking, as I finde my self clear of this I hope, and I pray God, that they may too; yet for all this, God forbid, that I should be so ill a Christian, as not to say that Gods judgements are just upon me. Many times he does inflict justice by an unjust Sentence; this is ordinary; I will onely say, that an unjust Sentence, * That I suffered to take effect, is punished now by an unjust Sentence upon my self. This is to shew you, (as I have said) how far I am an innocent man.*

* Meaning the Earle of Strafford.

Now

Now for to shew you, that I am a good Christian, I hope there is a good man, who will bear witnesse with me, that I have forgiven all the world, and even those in particular, who have been the chief causers of my Death; who they are God knows. I do not desire to know, I pray God forgive them: But this is not all, my charity must go further, I wish that they may repent; for indeed, they have committed a great sin in that particular; I pray God with Saint Stephen *that this be not laid to their charge; nay, not onely so, but that they may take the right way to the peace of the Kingdome; for my charity commands me not onely to forgive particular men, but my charity commands me to indeavour to the last gasp, the peace of the Kingdome. This Sirs, I do wish with all my Soul, and I do hope, (there are some* who will carry it further) *that they may indeavour the peace of the Kingdome.*

* Pointing at Doctor *Juxon.*

* Turning to some Gentlemen who took his Speech in short writing.

Now Sirs, I must shew you, both how you are out of the way, and I will put you into a way: First, you are out of the way; for certainly, all the way in which as yet you have gone, as I could ever find out by any thing, is in the way of conquest;

certain-

certainly this is an ill way, for conqueſt, Sirs, in my opinion, is never juſt, except there be a good, juſt cauſe, either for matter of wrong, or to defend a juſt Title, and if in the proſecution of the quarrell, you ſhall go beyond this, it will make that unjuſt at the end, which was juſt at the beginning. But if it be onely matter of conqueſt, therein it is a great robbery, as a pirate ſaid to Alexander, that he was a great robber, and that he himſelf was but a petty robber: and thus Sirs, I do think that the way you are in, is much out of the way; Now Sirs, for to put you in the way, believe it, you will never do right, nor will God ever proſper you, untill you give God his due, and the King his due, that is, in their courſe of time, my Succeſſors, and untill you give the people their due; I am as much for them as any of you are. You muſt give God his due, by regulating a right his Church according to his Scripture; your Church is now out of order, for to ſet you particularly in a way now, I cannot, but only by a Synod of the whole Nation, who being freely called, and freely debating amongſt themſelves, may by Gods bleſſing ſettle the Church, when every opinion is freely and clearly diſcuſſed. For

For the King indeed, I will not much insist— Then turning to a gentleman whose cloak he observed to touch the edge of the Ax, he said unto him, *Hurt not the Ax*, meaning by blunting the edge thereof, *for that he said might hurt him*. Having made this short digression, he proceeded; *For the King, the laws of the land will clearly instruct you, what you have to do; but because it concerns my own particular, I onely do give you but a touch of it.*

As for the People, truly I desire their liberty and freedome, as much as any whosoever; but I must tell you, that their liberty and freedom consists in having of government by those laws, by which their lives, and their goods may be most their own. It is not for them to have a share in Government, that is nothing Sirs, appertaining unto them: A subject and a Soveraign are clean different things; and therefore untill that be done, I mean, untill the people be put into that liberty, which I speak of, certainly they will never enjoy themselves.

Sirs, It was for this, that now I am

come

come here; If I would have given way to an arbitrary power to have all laws changed according to the power of the ſword; I needed not to have come hither, and therefore I tell you, and I Pray God it be not laid to your charge, that I am the martyr of the people.

In troth Sirs, I ſhall not hold you much longer, I ſhall onely ſay this unto you, that in truth, I could have deſired ſome little longer time, becauſe I had a deſire to put this, that I have ſaid into a little better order, and to have a little better digeſted it than I have now done; and therefore, I hope you will excuſe me

I have delivered my conſcience, I pray God that you do take thoſe courſes, that are moſt for the good of the Kingdome, and your own ſalvations.

Doct. Juxon. Will your Majeſty although the affection of your Majeſty to religion is very well known; yet to ſatisfie expectation, be pleaſed to ſpeak ſomething for the ſatisfaction of the world.

King. *I thank you very heartily (my Lord) becauſe I had almoſt forgotten it. In troth Sirs, my conſcience in Religion,*

I think is already very well known to all the world; and therefore I declare before you all, that I die a Christian, according to the profession of the Church of England as I found it left by my father; and this honest man * *I think will witnesse it. Then turning to the Officers he said; Sirs excuse me for this fame, I have a good cause, and I have a gratious God, I will say no more.* Then turning to Colonel *Hacker*, he said. Take care they do not put me to pain, and Sir this if it please you; but then a gentleman, one Mr *Clerk*, comming neer the Ax, the King said, take heed of the Ax: Then the King turning to the Executioner, said, I shall say but very short prayers, and when I stretch forth my hands —— Then the King called to Doctor *Juxon* for the Nightcap, and having put it on, he said to the Executioner: will my hair trouble you? who desired him to put it all under his Cap, which the King did accordingly by the assistance of the Executioner and the Bishop; the King then turning to Doctor *Juxon* said, I have a good Cause

* Pointing at Dr. *Juxon*.

Cauſe and a Gratious God on my ſide. *Doctor Juxon*, There is but one ſtage more, This ſtage is turbulent indeed and troubleſome, but very ſhort, and which in an inſtant will lead you a moſt long way from earth to Heaven, where you ſhall finde great Joy and Solace.

King, I *go from a corruptible to an incorruptable Crown, where can be no trouble, none at all.*

Doctor Juxon, You ſhall exchange a temporall Crown for an eternall one, it is a good change.

The King then ſaid unto the executioner, *Is my haire as it ſhould be?* He then did put off his cloak, and his George, which he gave to Doctor *Juxon*, ſaying, *Remember* *. He immediately afterwards, did put off his Doublet, and did put on his cloak again, and looking on the block, he ſaid unto the Executioner, *you ſhould make it to be ſteddie.*

* Pointing at Dr. *Juxon.*

Execut. It is ſo.

King. It *might have been ſomething higher.*

Execut. It cannot be made higher now.

King, *When I ſhall ſtretch forth my hands in this manner, then* ——

After that, when ſtanding, he had ſpoke two or three words unto himſelf, with his hands, and eyes lifted up towards Heaven, immediately ſtooped down, he laid his neck upon the Block, and when the Executioner had again put all his hair under his cap. The King ſaid *Stay till I give the ſigne.*

Execut. So I do, if it pleaſe your Majeſty; and after a very little reſpite, the King did ſtretch forth his hands, and immediately the Executioner at one blow did ſever his head from his Body.

Sic tranſit gloria Mundi.

THE

Illegall proceedings against the honourable Colonell *John Penruddock* of *Compton* in *Wiltshire*, and his Speech;

Which he delivered the day before he was beheaded in the Castle of *Exon*, being the 16. day of *May* 1655. to a Gentleman whom he desired to publish them after his death.

Together with his prayer upon the scaffold and the last Letter he received from his verteous Lady, with his answer to the same.

Also the speech of that Piously resolved Gentlemen, *Hugh Grove* of *Chisenbury* in the parish of *Enford*, and County of *Wilts*, Esquire, beheaded there the same day.

Printed by order of the Gent. intrusted, 1660.

Col. *Penruddock* being writ to by a friend for an account of his triall, writ as followeth.

SIR,

THough I received your deſires ſomething too late, it being but two days before notice given me from the Sheriff of the day of my expiration, for I cannot call this an execution, it being for ſuch a cauſe; yet in order to your ſatisfaction, I have borrowed ſo much time from my more ſerious Meditations, as to give you this ſhort account of my Triall, wherein you muſt excuſe both the brevity and imperfections, it being but the iſſues of a bad memory.

UPon *Thurſday* the 19. *April* 1655. the Commiſſioners of *Oyer* and *Terminer*, being ſate in the Caſtle of *Exon*, ſummoned before them my ſelf, Mr. *Hugh Grove*, Mr. *Richard Reeves*, Mr. *Robert Duke*, Mr. *George Duke*, Mr. *Thomas Fitz-James*, Mr. *Francis Jones*, Mr. *Edward Davis*, Mr. *Thomas Poulton*, and Mr. *Francis Ben-*

net. Being all called to the Barre, we were commanded to hold up our hands, and an Indictment of high treason was read against us: and being asked whether we would plead guilty or not guilty to the Indictment; in the behalf of my self and of the Gentlemen therein charged, I spake as followeth.

Col. Penruddock, My Lords, though my education hath been such as not to give me those advantages which the knowledge of the Laws would afflisted me with, for the defending my self: yet upon hearing this very indictment, my reason tells me, that it is illegall: and therefore I do demand Councell that may dispute the illegality thereof.

Serjeant Glyn. Sir, you desire that which cannot be granted, therefore give your answer whether you are guilty or not guilty of the Treason of which you stand charged.

Col. Pen. Sir by your favour, it is that which hath been granted to my inferiors, (*viz*) to *Mr. Lilburn*, and

and to one *Rolf* a Shoemaker, and I have as great a right to the Lawes as any perſon that ſits here as my Judge; I do therefore challenge it as my right. Judge *Nicholas* whom I there ſee, will tell you he himſelf was councell for this *Rolf*: and it is a hard caſe, if a free-born Gentleman of *England* cannot have the ſame priviledge that his inferiors have had before him.

Attorney Generall. Sir, there is a great difference between Treaſon acting and acted; the later is your caſe: therefore flatter not your ſelf, and do not think your being mute ſhal ſave your eſtate in caſe of treaſon; for if you plead not to the indictment, ſentence will be pronounced againſt you, as if you had been found guilty of the fact you are charged with.

Col. Pen. Sir, I obſerve your diſtinction: but all the Logick you have, ſhall not make me nor any Rationall man acknowledge, that this was either acting or acted, before it be proved Sir, it is but a

bare ſuſpicion, and I hope you will not condemne me before I am convicted: I ſay the Indictment is illegall, and I do demand Councell.

At. Gen. Sir, the Court muſt not be dallied withall; I do peremtorily demand of you, are you guilty or not guilty? If you plead, you may have favour, otherwiſe we ſhall proceed to ſentence.

Col. Pen Sir, put caſe I do plead, ſhall I then have Councell allowed me?

At. Gen. Sir, the Court makes no bargains, refer your ſelf to us.

Hereupon my fellow-priſoners perſwaded me to plead not guilty: which being done, I demanded Councell, as being partly promiſed it. *Mr.* Attorney told me: I could have none. Then I replyed?

Col. Pen. Sir, *Durus eſt hic ſermo*, it is no more then I expected from you; but rather then I will be taken off unheard, I will make my own defence as well as I can. The Jurors being then called, I challenged about

bout 24 of the 35. I might have challenged. The reſt of the Gentlemen were ſent from the bar; I was left alone upon my triall; and the Jurors were ſo pact, that had I known them, the iſſue had been the ſame that it was. The Jurors being ſworn, and the Indictment again read, *Mr.* Atturney demanded what exception I could make to it.

Col. Pen. Sir, I except againſt every part thereof: For I take it to be illegall *in toto Compoſito.*

Recorder Steel. Sir, It is not uſual for any Court to admit of generall exceptions, therefore we expect that you ſhould make it to ſome particular.

Col. Pen. Sir I deſire a Copy of my Indictment, and time untill to morrow to make my defence.

At. Gen. Sir, You cannot have it; the Court expects you ſhould do it now.

Col. Penruddock, Then if I cannot have time, if my Generall exception might have been admitted, it would have told you, that there can be no high Treaſon in this nation, but it muſt

must be grounded upon the Common, or the Statute law: But this is neither ground upon the Common Law or the *Statute ergo* no Treason (against a Protector who hath no power according to Law:) neither is there any such thing in Law as a Protector, for all Treasons, and such pleas are *Propria Causa Regis.*

Ser. Glyn. Sir, You are peremptory, you strike at the Government; you will fare never a whit the better for this speech: speak as to any particular exception you have to the Indictment.

Col. Penruddock, Sir, If I speak any thing which grates upon the present Government, I may confidently expect your pardon: my life is as deare to me, as this Government can be to any of you The holy Prophet *David* when he was in danger of his life, feigned himself mad, & the spittle hung upon his beard; you may easily therefore excuse my imperfections. And since I am now forced to give you my particular exception

Exception (more plainly) to the Indictment, I am bold to tell you, I obſerve in the latter part of the Indictment, you ſay I am guilty of High Treaſon by vertue of a ſtatute in that caſe made and provided. If there be any ſuch *Statute*, pray let it be read; I know none ſuch. My Actions were for the King; and I well remember what *Bract.* ſaith, *Rex non habet ſuperiorem niſi Deum; ſatis habet ad pœnam, quod Deum expectat ultorem.* And in another place he ſaith, *Rex habet poteſtatem & juriſdictionem ſuper omnes qui in regno ſuo ſunt: ea quæ ſunt juriſdictionis & pacis, ad nullum pertinent, niſi ad regiam dignitatem: habet etiam coertionem, ut delinquentes puniat & coerceat:* Again he ſaith, *Omnes ſub Rege, & ipſe nullo niſi tantum Deo; non eſt inferior ſibi ſubjectis; non parem habet in regno ſuo.* This ſhewes us where the true power is. You ſhall finde alſo.

That whoſoever ſhall refuſe to aid the King when war is levied againſt him, or any that keep the

King

King from his just Rights; offends the law, and is thereby guilty of Treason. Again,

All men that adhere to the King in personall service are freed from Treason by Law: and yet you tell me of a *Statute*, which makes my adhering to the King according to Law, to be high Treason. *Pray* let it be read.

At. Gen. You have not behaved your self so as to have such a favour from the *Court*.

Col. Pen. Sir, I require it not as a favour, but as my Right.

At. Gen. Sir, you cannot have it.

Col. Pen. If I cannot have it, these Gentlemen that are the Jurors have not offended you: their verdict reaches to their souls, as to my life: pray let not them go blindfold, but let that *Statute* be their guide.

At. Gen. Sir, The Jury ought to be satisfied with what hath been already said, and so might you too.

Col. Pen. Sir, I thank you: you now

now tell me what I must trust to.

Mr Atturny then made a large speech in the face of the Court, wherein he aggravated the offence with divers circumstances; as saying I had been four years in *France*, and held a corespondency with the King my Master, of whom I had learned the Popish Religion; That I endeavoured to bring in a debauched lewd young man, and to engage this Nation in another bloody war; and that if I had not been timely prevented, I had destroyed them (meaning the Jurors) and their whole families. I interrupted him, and said.

Col. Pen. Mr Atturny, you have been heretofore of Councel for me, you then made my case better then indeed it was; I see you have the faculty to make men believe falsehoods to be truth too.

At. Gen. Sir, You interrupt me, you said but now, you were a gentleman.

Col. Pen. Sir, I have been thought worthy

worthy heretofore to ſit on the bench, though now I am at the bar Mr. Attorny then proceeded in his ſpeech and called the witneſſes. Then I ſaid,

Sir, You have put me in a bears skin, and now you will bait me with a witneſſe. But I ſee the face of a gentleman here in the Court, (I mean Captain *Crook*) whoſe conſcience can tell him, that I had articles from him, which ought to have kept me from hence. Captain *Crook* hereupon ſtood up, and his guilty conſcience (I ſuppoſed) adviſed him to ſit down again, after he had made this ſpeech, (that is to ſay) he opened his lips and ſpake nothing. The ſeverall witneſſes now come in, Mr *Dove* the Sheriff of *Wilts*, and others; my charity forbids me to tell you what many of them ſwore: I ſhall therefore omit that, and onely tell you, that one of our own party (and indeed I think an honeſt man) being forced to give his evidence, I ſaid My Lords, it is a hard caſe, that when you finde

find you cannot otherwiſe cleave me in pieces, that you muſt look after wedges made of my own timber. The vertuous Cryor of *Blandford* being asked what were the words I uſed in proclaiming King *Charles* at the market, he ſaid, I declared for *Charles* the Second, and ſetling the true Proteſtant Religon, for the liberty of the Subject, and Priviledge of Parliaments.

Then I ſaid unto the Attorny Generall and the whole Court, you ſaid even now, that I had learned of the King my Maſter the Popiſh religon, and endeavoured to bring him in: your own witneſs tells you what, and whom I would bring in, and it was the true Proteſtant, and not the Popiſh Religon, his Majeſtie is of, and intends to ſettle. I urged divers caſes to make the buſineſſe but a Riot (as my Lord of *Northumberlands*) pretending it was for the taking of Taxes, and that the power was not declared to be where they ſay it is. I required the Judges to be of Councell for me,

and

& told them it was their duty. Commissioner *Lisle* told me I should have no wrong, (but he meant Right) but Iudge *Rolls* and *Nicholas* confessed themselves parties, therefore would say nothing. Then I told the Court, if I had seen a Crown upon the head of any person, I had known what had been Treason, the Law of *England* would have taken hold of me out of the respects it has to Monarchy: There was no such land-marks before me; therefore I conceive, I cannot be guilty of what I am charged with. And my Lord and Mr. Atturney, you here indict me for a Treason committed at *Southmoulton* in *Devonshire*; and gentlemen ye swear witnesses against me for facts done in other Counties. *Sarum*, *Blanford*, and *Southmoulton* are not in a parish. You puzzle the Jurors with these circumstances, pray go to the kernell; and you Gent. of the Jury, save your labour of taking those notes. Mr. Atturney then addressed himself to the Jury, and to be short, after the

space

ſpace of halfe an houre long, gave them directions to bring me in guilty: this being done, I craved the favour from the Court, that I might ſpeak to the Jury; which being allowed, I ſaid to them as followeth, or to the ſame effect.

Gent. You are called a Jury of life and death; and happy will it be for your ſouls, if you prove to be a Jury of life. You have heard what hath been ſaid to make my actions Treaſon, and with what vigor many untruths have been urged to you. I have made appear to you, that there can be no Treaſon but againſt the King; that the Law knowes no ſuch perſon as a Protector, Mr. Atturney pretends a Statute for it, but refuſeth the reading thereof, either to me or you; vilifies me at pleaſure, and tells you I am a Papiſt, and would bring in the Popiſh Religon: and that if I had not been timely prevented, I had deſtroyed you, I hope you are alſo ſatisfied of the contrary, from the mouth of one of

the beſt witneſſes. You are now judges between me and theſe judges. Let not the majeſty of their looks, or the glory of their habits betray you to a ſinne, which is of a deeper dye then their ſcarlet; I meane that ſinne, bloud, which calls to heaven for vengence. Gent. you doe not ſee a hair of my head but is numbred, neither can you make any one of them; much leſs can you put breath into my noſtrils when it is taken out: a ſparrow doth not fall to the ground without the providence of God, much leſſe ſhall man, to whom he hath given dominion and rule over all the creatures of the earth. Gent. look upon me, I am the Image of my creatour, and that ſtamp of his which is in my vizage, is not to be defaced without an account given, wherefore it was, I have here challenged, as I am a Gentleman and free-born man of *England*, the right which the law allowes me; I demanded a copy of my Indictment, and Councell, but it is denied me. The Law which I would have

have been tried by, is the known Law of the land, which was drawn by the wiſe conſultation of our Princes, and by the ready pens of our Progenitours. The Law which I am now tried by is no Law, but what is cut of by the poynt of a rebellious ſword; and the ſheets in which they are recorded, being varniſhed with the moiſture of an eloquent tongue, if you look not well to it, may chance to ſerve for ſome of your Shrouds. If the fear of diſpleaſing others ſhall betray you to find me guilty of any thing, you can at the moſt, but make a riot of this. Pray by the way take notice, that the laſt Parliament would not allow the Legiſlative power to be out of themſelves; ſeventeen of twenty in this very County were of that opinion, and deſerted the houſe: they were your Repreſentative: if you finde me guilty, you bring them in danger, and in them your ſelves. Have a care of being drawn into a ſnare. Gent. your bloud may run in the ſame channel with mine.. If what I have ſaid, do

have been tried by, is the known not ſatisfie you, ſo as to aquint me, if you bring me in a ſpeciall verdict, you do in ſome meaſure acquit your ſelves, and throw the bloud that will be ſpilt upon the Judges; Conſider of it, and the Lord direct you for the beſt.

The Jury after a quarter of an houres retirement, brought me in guilty: the Lord forgive them, for they knew not what they did.

Upon *Monday* the 23 of *April* we were again called to the bar, being then in number twenty ſix. Serjeant *Glyn* asked of me firſt, what I could ſay for my ſelf, that I ſhould not have ſentence according to the Law? Then I ſaid,

My Lords & Gentlemen you aske what I can ſay for my ſelfe, that I ſhould not have ſentence paſſe upon me. The Jury found me guilty; if I ſhould go about to make a defence now, it would ſignifie no more then as if my friends ſhould petition for my pardon after I am executed, could have offered you articles here but I thought them inconſiſten

wit

with this Court. When I look upon my offence (as to the Protectour) I conclude myſelf a dead man; but when I reflect upon the favour he hath ſhewed to others of my condition, and the hopes *I* have of your interceſſion, me thinks I feel my ſpirits renewed again. My Lords, death is a debt due from Nature; has now the keeping the bond and has put it in ſuit by his Attorny: if he pleaſe to forbear the ſerving me with an execution, and let me keep it a little longer, I will pay him the intereſt of thanks for it, as as long as I live, and engage my poſterity and a numerous allyance to be bound for me. So the Lord direct you all for the beſt. If I have found favour I ſhall thank you; if not, I ſhall forgive you.

This being done, Serjeant *Glyn* after a moſt bitter and nonſenſicall ſpeech, gave ſentence againſt us; (*viz*) to be drawn hanged and quartred. A prety exchange for unworthy *Crooks* Articles for life, liberty and eſtate; which I can

prove, and will die upon. My triall held at leaſt five hours. This is as much as at preſent I can remember of it; excuſe the errours.

One of the Jury being asked by a Gent. why he found me guilty, anſwered, He was reſolved to hang me before he did ſee me.

I obſerve treaſon in this age to be an *individuum vagum*, like the wind in the Goſpel, which bloweth where it liſteth; for that ſhall be treaſon in me to day, which ſhall be none in another to morrow, as it pleaſeth Mr Attorny.

* *witneſſe one Benner and Stroud who in open Court confeſſed to be guilty of all they proved againſt me, yet Mr Attorney gave the Jury directions to find them not guilty*

The* Judges are ſworn to do juſtice according to the Laws of the Land, and therefore have miſerably perjured themſelves in condemning me contrary to Law: And (not ſo contented) muſt cauſe the Jury (ſo wiſe they were) (through their falſe and unjuſt directions to deſtroy their own rights and properties, and ſet up a new Arbitrary and Tyrannicall government.

The Judges would not give me their

their advice in point of *Law*, (as was their duty) becauſe they ſaid they were parties; yet could ſit ſtill on the Bench in their Robes, to countenance (and approve of) my *Sentence*.

No man can be a Judge where he is a *Party* in the ſame cauſe; there-fore my tryall was contrary to Law.

The Judges being parties, ought not to ſit upon the bench (but ſtand by:) therefore my triall was illegall: the reſt being no Judges but the Protectours immediate ſervants, ſo could not be my Judges in caſe of High Treaſon; for none but the ſworn Judges of the Land are capable of it by Law.

'Hobart *folio* 126. *Dalt.* Bonames *caſe* 8 *part of* Cooks *reports.*

One thing of Colonel *Dove* the reverend Sheriff of *Wilts*, who that the Jury might be ſufficiently incenſed, complaining of the many incivilities (he pretended) were offered him by our party, being upon his Oath, ſaid that one of our men did run him through the ſide with a Carbine, Surely it was a very ſmall one, for the wound was not diſcernable.

A great deal of paines every man in his place took for the carrying on their Masters work.

Be mercifull unto me O Lord, be mercifull unto me; under the shadow of they wings will I hide my selfe till this Tyranny be overpast.

Glory be to God on High, in earth peace good will towards men; and so have mercy on me, O Lord.

JOHN PENRUDDOCK

Mrs.

Mrs. *Penruddock's* laſt letter to her honourable and dear Husband.

My dear heart,

MY ſad parting was ſo far from making me forget you, that I ſcarce thought on my ſelf ſince, but wholy upon you. Thoſe dear embraces which I yet feel, and ſhall never looſe being the faithfull teſtimonies of an indulgent husband, have charmed my ſoul to ſuch a reverence of your remembrance, that were it poſſible, I would with my own blood cement your dead limbs to life

life again, and (with reverence) think it no ſin to rob heaven a little while longer of a Martyr. Oh my dear! you muſt now pardon my paſſion, this being my laſt (oh fatall word!) that ever you will receive from me. And know that untill the laſt minuit that I can imagine you ſhall live, I will ſacrifice the prayers of a Chriſtian, and the grones of an afflicted wife: And when you are not, (which ſure by ſympathie I ſhall know) I ſhall wiſh my own diſſolution with you, that ſo we may go hand in hand to heaven: Tis to late to tell you what I have (or rather have not) done for you; how turned out of doores, becauſe I came to beg mercy: the Lord lay not your blood to their charge. I would fain diſcourſe longer with you, but Paſſion begins to drown my Reaſon, and will rob me of my devoire, which is all I have left to ſerve you. Adieu therefore, ten thouſand times my deareſt dear; and ſince I muſt never ſee you more, take this prayer; May your Faith be ſo ſtrengthened, that your Conſtancy may continue; and then I know that heaven will receive you, whether grief

and

and love will in a ſhort time (I hope) tranſlate.

My dear,

May the 3. at 11 at elock at night

Your ſad, but conſtant wife even to love your aſhes when dead,

Arundel Penruddock.

Your children beg your bleſſing, and preſent their duties to you.

The laſt letter from the honourable Colonel Penruddock, *in anſwer to his vertuous Lady.*

MY DEAREST HEART,

I Even now received thy farewell letter: each word whereof repreſents unto me a moſt lively Embleme of your affection, drawn with thy own hand in water colours, to the figure of a deaths head. My dear, I imbrace it, as coming firſt from God, and then from Man: *for what is there done in this City that the Lord hath not permitted?* I look upon every line of thine, as ſo many threads twiſted together in to that of my life, which being now woven, my meditations tells me, will make a fit remnant for my winding ſheet. Upon the reading thereof, I may ſay with the Prophet, *I ſhould have utterly fainted, but that I believe verily to ſee the goodneſſe of the Lord in the land of the living.* As this is mine, my

my dear, ſo let it be thy conſolation. When I think what a wife and what children I go from, and look no further, I begin to cry, *O wretched man that I am*! But when my thoughts ſoar higher, and fix themſelves upon thoſe things which are above, where I ſhall find, God my Creatour to my *Father*, and his Son my Redeemer to my Brother, (for ſo they have vouchſafed to term themſelves;) then I lay aſide thoſe relations, and do of all love my dear deſire thee, not to look towards my grave where my Body lies, but toward the heaven, where I hope my Soul ſhall gain a Manſion in my Fathers houſe. I do ſtedfaſtly believe, that God hath heard the prayers of my friends, and thine, and mine: and how knoweſt thou O woman, whether thou haſt not ſaved thy husband? Let thoſe conſiderations raiſe thy ſpirit, I beſeech thee; and that for Gods ſake and mine. Though I ly among the children of men, which are ſet on fire againſt me; yet under the ſhadow

of

of the Almighties wings, I will hide my ſelfe till this tyranny be over-paſt. The greateſt conflict I have had in this extremitie, was my parting with thee: the next encounter is to be with Death; and my Saviour hath ſo pulled out the ſting thereof, that I hope to aſſault it without fear. Though the Armes of men have been too hard for me, yet I am now lifting my ſelfe under the conduct of my Soveraign, and an Army of Martyrs, that the gates of hell cannot prevaile againſt. My dear, I have now another ſubject to think on, therefore you muſt excuſe the imperfections you finde here. I have formerly given you directions concerning my children, to which I ſhall refer you. May the bleſſing of Almighty God be upon thee and them, and may there not want a man of my name to be ready to be a ſacrifice in this cauſe of God, and his Church, ſo long as the Sun and Moon ſhall endure. I ſhall now cloſe up all, with deſiring you to give a teſtimony for me to the world, that

I

I die with so much Charity, as to forgive all my enemies. I will joyn them in my last prayers, for my friends: Amongst which, you and my children are for my sake obliged to pay a perpetuall acknowledgment to Mr *Rolles* and his Lady, and my cousin * Mr *Sebastine Isack*,

* Note bene. *Mr Sebastine Isack although he seemed very sollicitous for Colonel Penruddock in his life, since his death hath been very unworthy to his memory (contrary to his promise, to the said Colonel, in his life) and hath done contrary to the will of the dead, the trust reposed in him, the principle of honour and much unbecoming a Gent.*

for their great sollicitations on my behalf. If I should forget this City of *Exeter* for their civilities to my owne selfe in particular, and indeed to all of us, I should leave a reproach behind me. I will give them thanks at my death; and I hope you and yours will do it when I am dead. My dear heart, I once more bid the adieu, and with as much love and sincerity

ſincerity as can be imagined, ſubſcribe my ſelfe.

Thy dying and

loving Husband

John Penruddock.

Exon May 7 and the

* laſt year and day of my

date being the year of

my Saviour 1655.

Note, when this letter was writ, Colonel *Penruddock* did not know other then that he was to die the ſame day.

Note when

The

The ſpeech of the Honourable Colonell Penruddock, *the greateſt part whereof he delivered upon the Scaffold in Exon Caſtle the 16. day of* May, 1655. *the whole he left with a Gent. and friend of his, written with his own hand; which is as followeth.*

Together with the manner of his being beheaded.

As he was aſcending the Scaffold, baring his knees, and humbly bowing him himſelfe, he uſed theſe words; This I hope will prove to be like *Jacobs* ladder; though the feet of it reſt on earth, yet I doubt not, but the top of it reacheth to Heaven.

When he came upon the Scaffold, he ſaid.

O wretched man that I am, who ſhall deliver me from this body of death? I thank God who hath given me victory though our Lord Jeſus Chriſt.

Then with a bundance of Chriſtian chearfullneſſe he ſpake to the people as followeth.

GENTLEMEN,

IT hath ever been the cuſtome of all perſons whatſoever when they come to die, to give ſome ſatisfaction to the world, whether they be guilty of the fact of which they ſtand charged. The crime for which I am now to die, is Loyalty, (but) in this age called high Treaſon. I cannot deny, but that I was at South-moulton in this County: but whether my being there, or my action there, amount to ſo high a crime as high Treaſon; I leave to the world and the Law to judge. Truly, if I were conſcious to my ſelf of any baſe ends that I had in this under taking, I would not be ſo jurious to my own ſoul, or diſingenuous to you, as to make a publick acknowledgement thereof. I ſuppoſe that divers perſons, according as they are by their ſeverall intreſts & relation biaſſed, give their opinions to the world concerning us, I conceive it impoſſible therefore ſo to expreſs my ſelf in this particular, as not to expoſe both my judgement and reputation to the cenſure of many which I ſhall leave behind me. Becauſe I will not put others (therefore) upon a breach of

of charity concerningme or my actions, I have thought fit to decline all diſcourſes which may give them a capacity either to injure themſelves or me. My Tryall was publick and my ſeverall examinations (I believe) will be produced when I am in my grave. I will refer you therefore to the firſt, which I am ſure ſome of you heard, and to the later, which many of you (in good time) may ſee. Had Captain Crook *done himſelf and us that right which a Gentleman and a Souldier ought to have done, I had not now been here. The man I forgive with all my heart: but truly Gent. his proteſting againſt thoſe Articles he himſelf with ſo many proteſtations and importunities put upon us, hath drawn ſo much diſhonour and blood upon his own head, that I fear ſome heavy judgement will purſue him. Though he hath been falſe to us, I pray God that I doe not prove a true prophet to him.*

Nay, I muſt ſay more, that coming on the road to Exon, *he the ſaid Captain* Crook *told me, Sir* Joſeph Wagſtaffe *was a gallent Gentleman, and that he was ſorry that he was not taken with us;*

that then he might have had the benefit of our Articles: but now (said he) I have beset all the Country for him, so that he cannot escape, but must be hanged

He also questioned me, as I passed through Salisbury from London, whether he had given me conditions. Which I endeavoring to make appear to Major Butler; he interrupted me, and unwillingly confessed it, saying, I profered him four hundred pounds to performe his Articles: which had been a strange profer of mine, had I not really conditioned with him. And I told him then (having found him unworthy) I would have given him five hundred pounds, believing him to be mercenary. To make it further appear, I injure him not by styling him unworthy, after these Articles were given he profered to pistol me, if I did not perswade another house to yield, which then were boldly resisting. To which my servent John Biby (now a prisoner) replyed, I hope you will not be so unworthy, as to break the Law of Arms.

Thus much I am obliged to say to the honour of the Souldery, that they have been so far from breaking any Articles given

given to others, that they have rather bettered them then otherwise.

It is now our misfortune to be made presidents and examples together, but I will not do the Protectour so much injury as to load him with this dishonour; since I have been informed, that he would have made our conditions good, if Crook *that gave them had not abjur'd them.*

This is not a time for me to inlarge upon any subject, since I am now become the Subject of death: But since the Articles were drawn by my hand, I thought my selfe obliged to a particular Justification of them.

I could tell you of some souldiers which are turned out of his troup for defending those conditions of ours: but let that pass; and henceforward in stead of life, liberty and estate (which were the Articles agreed upon) let drawing, hanging and quartring bear the Denomination of Captain Crooks *Articles.*

However I thank the Protectour for granting me this honourable Death.

I should now give you an accompt of my Faith. But truly gentlemen, this poor Nation is rent into so many several opinions,

that it is impossible for me to give you mine without displeasing some of you. However, if any be so critical as to inquire of what Faith I die, I shall refer him to the Apostles, Athanasius, *and the* Nicene *Creed, and to the testimony of this Reverend gentleman Dr.* Short, *to whom I have unbosomed my self: and if this do not satisfie, look in the thirty nine Articles of the Catholick Church of* England; *to them I have subscribed and do own them as authentick.*

Having now given you an account concerning my self; I hold my selfe obliged in duty to some of my friends, to take off a suspicion which lyes upon them: I mean as to some persons of Honour, which upon my examination I was charged to have held correspondency with. The Marqueſſe of Hartford, *the Marqueſſe of* Winchester, *and my Lord of* Pembrook *were the persons nominated to me. I did then acquit them, and do now second it with this protestation, That I never held any correspondence with either or any of them, in relation to this particular businesse, or indeed to*

any

any thing which concerned the Protector or his Government. As for the Marquesse of Winchester, *I saw him some twelve years since, and not later; and if I should see him here present, I believe I should not know him. And for the Earle of* Pembrook, *he was not a man likely to whom I should discover my thoughts, because he is a man of a contrary judgment.*

I was examined likwise concerning my Brother Freke, *my Cousin* Hastings, *Mr* Dorrington *and others. It is probable their estates may make them lyable to this my condition: but I do here so far acquit them, as to give the world this farther protestation; that I am confident they are as innocent in this businesse as the youngest child here.*

I have no more to say to you now, but to let you know, that I am in charity with all men; I thank God: I both can and do forgive my greatest persecutors, and all that ever had any hand in my death.

I have offered the Protector as good security for my future demeanour as I suppose he could have expected if he had

thought fit to have given me my life; certainly I should not have been so ungratefull as to have imployed it against him. I do humbely submit to Gods pleasure, knowing that the issues of life and death are in his hand. My bloud is but a small sacrifice, if it had been saved, I am so much a Gentleman as to have given thanks to him that had preserved it; and so much a Christian, as to forgive them which take it But seeing God by his providence hath called me to lay it down, I willingly submit to it, though terrible to nature; but blessed be my Saviour, who hath taking out the sting; so that I look upon it without terrour. Death is a debt, and a due debt; and it hath pleased God to make me so good a Husband, that I am come to pay it before it is due. I am not ashamed of the cause for which I die, but rather rejoyce that I am thought worthy to suffer in the defence & cause of Gods true Church, my lawfull King, the liberty of the subject, and Priviliege of Parliaments: Therefore I hope none of mine alliance & friends will be ashamed of it, it is so far from pulling down my Family, that I look upon

upon it as the raiſing it one ſtory higher. Neither was I ſo prodigall of nature as to throw away my life, but have uſed (though none but honourable and honeſt) means to preſerve it.

Theſe unhappy times indeed have been very fatall to my family: two of my Brothers already ſlain, and my ſelf going to the ſlaughter: it is Gods will, and I humbly ſubmit to that providence.

I muſt render an acknowledgment of the great civilities that I have received from this City of Exon, *and ſome perſons of quality, and for their plentiful proviſion made for the priſoners. I thank Mr. Sheriff for his favour towards us, in particular to my ſelf; and I deſire him to preſent my due reſpects to the Protectour, and though he had no mercy for my ſelf, yet that he would have reſpect to my family.*

I am now ſtriping off my cloaths to fight a duell with death, (I conceive no other duell lawfull) but my Saviour hath pull'd out the ſting of this mine enemy, by making himſelf a ſacrifice for me: And truly I do not think that man deſerving one drop of his bloud, that

will

will not ſpend all for him in ſo good a cauſe.

The truth is, Gentlemen, in this age, Treaſon is an Individuum vagum, *like the wind in the Goſpell, it bloweth where it liſteth: So now treaſon is what they pleaſe, and lighteth upon whom they will. Indeed no man, except he will be a Traitour, can avoid this Cenſure of Treaſon: I know not to what end it may come, but I pray God my own, and my brothers bloud that is now to die with me, may be the laſt upon this ſcore.*

Now Gentlemen, you may ſee what a condition you are in without a King: you have no law to protect you, no rule to walk by; when you performe your duty to God, your King and Countrey, you diſpleaſe the Arbitrary power now ſet up: (I cannot call it government.) I ſhall leave you to peruſe my triall, and there you ſhall ſee, what a condition this poor Nation is brought into; and (no queſtion) will be utterly deſtroyed, if not reſtored (by Loyal Subjects) to its old and glorious Government. I Pray God he lay not his Judgement upon England *for their ſluggiſhneſſe in doing their duty, and readineſs*

dineſſe to put their hands in their boſomes, or rather taking part with the Enemy of Truth. The Lord open their eyes, that they may be no longer lead, or drawn into ſuch ſnares: elſe the Child unborn will curſe the day of their Parents birth.

God Almighty preſerve my lawful King Charles the ſecond, from the hands of his Enemies, and breake down the wall of Pride and Rebellion, which ſo long hath kept him from his juſt Rights. God perſerve his Royal Mother, and all his Majeſties Royall Brethren, and incline their hearts to ſeek after him. God incline the hearts of all true Engliſh men, to ſtand up as one Man to bring in the King; and Redeem themſelves and this poor Kingdome, out of its more then Egyptian ſlavery.

As I have now put off theſe garments of cloth, ſo I hope I have put off my garments of ſin, and have put on the Robes of Chriſts Righteouſneſſe here, which will bring me to the enjoyment of his glorious Robes anon.

Then he kneeled down and kiſſed the block, and ſaid thus: I commit my ſoul

to

to God my Creatour and Redeemer. Look on me, O Lord at my laſt gaſping. Here my prayer, and the prayers of all good people. I thank thee, O God for all thy diſpenſation towards me.

Then kneeling down, he prayed moſt devoutly, as followeth.

O Eternal, Almighty, and moſt mercifull God, the Righteous Judge of all the world, look down in mercy on me a miſerable ſinner. O bleſſed Jeſus Redeemer of Mankind, which takeſt away the ſinnes of the world, let thy perfect manner of obedience be preſented to thy Heavenly Father for me. Let thy precious death and bloud be the Ranſome and ſatisfaction of my many and hainous tranſgreſſions. Thou that ſitteſt at the right hand of God, make interceſſion for me. O holy and bleſſed Spirit, which art the comforter, fill my heart with thy conſolation, O holy, bleſſed, and glorious Trinity, be mercifull to me, confirm my faith, in the promiſes of the Goſpel, revive and quicken my hope and expectation of joyes, prepared for true and faithfull ſervants. Let the infinite Love of God my Saviour make my love to him ſtedfaſt,

ſincere

ſincere, and conſtant.

O Lord conſider my condition, accept my tears, aſſwage my grief, give me comfort and confidence in thee: impute not unto me my former ſinnes, but moſt mercifull Father receive me into thy favour for the merits of Chriſt Jeſus. Many and grievous are my ſinnes, for I have ſinned many times againſt the light of knowledge againſt remorſe of conſcience, againſt the motions and opportunities of grace. But accept I beſeech thee, the ſacrifice of a broken and contrite heart, in and for the perfect ſacrifice, oblation, and ſatisfaction of thy Son Jeſus Chriſt. O Lord receive my ſoul after it is delivered from the burthen of the fleſh into perfect joy in the ſight and fruition of thee. And at the generall reſurrection grant that my body may be endowed with immortality, and received with my ſoul into glory.

I praiſe thee O God, I acknowledge thee to be the Lord. O Lamb of God, that takeſt away the ſins of the world, have mercy on me. Thou that ſitteſt at the right hand of God, hear my prayer. O Lord Jeſus Chriſt, God and Man, Me-

diatour

diatour betwixt God and Man, I have ſinned as a Man; be thou mercifull to me as a God. O holy and bleſſed Spirit, help my infirmities, with thoſe ſighs and groans which I cannot expreſſe.

Then he deſired to ſee the Axe, and kiſſed it, ſaying, I am like to have a ſharp paſſage of it, but my Saviour hath ſweetned it unto me.

Then he ſaid, if I would have been ſo unworthy as others have been, I ſuppoſe, I might by a lie have ſaved my life which I ſcorn to purchaſe at ſuch a rate. I defie ſuch temptations, and them that gave them me.

Glory be to God on high: On Earth peace: Good will towards Men. And the Lord have mercy upon my poor ſoul. Amen.

So laying his Neck upon the block, after ſome private Ejaculations, he gave the Heads-man a ſign with his hand, who at one blow, ſevered his head from his body.

The

The Speech of that pious ly reſolved Hugh Grove *of* Chiſenbury *in the pariſh of* Enford *and County of* Wilts *Eſquire, beheaded the* 16 *day of* May, 1655. *in the Caſtle at* Exon

Good people.

I Never was guilty of much Rhetorick, nor ever loved long Speeches in all my life, and therefore you cannot expect either of them from me now at my death. All that I ſhall deſire of you, beſides your hearty prayers for my ſoul, is; That you will bear me witneſs, I die a true ſonne of the Church of *England*, as it was eſtabliſhed by King *Edward* the ſixth, Queen *Elizabeth*, King *James*, and King *Charles* the firſt of ever bleſſed memory: That I die a Loyall

all Subject to King *Charles* the ſecond, my undoubted Soveraig ne and a lover of the good old Laws of the Land, the juſt Priviledges of Parliaments, and Rights and Liberties of the People; for the re-eſtabliſhing of all which I doe under take this engagement, and for which I am ready to lay down my life. God forgive the bloudy minded Jury, and thoſe that procured them: God forgive Captain *Crook* for denying his Articles ſo unworthily: God forgive Mr *Dove*, and all other perſons ſwearing ſo malicioufly and falſely againſt me: God forgive all my enemies; I heartily forgive them. God bleſſe the King and all that love him, turn the hearts of all that hate him; God bleſſe you all, and be mercifull to you and to my ſoul, Amen.

And ſo meekly laying his neck to the block, and giving a ſigne, his head at one blow, and a draw of the axe, was ſevered from his bodie.

FINIS.